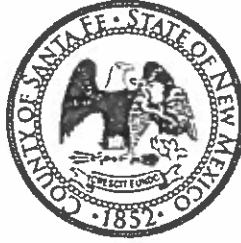


**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**Date:** September 17, 2014

**To:** Board of County Commissioners

**From:** Steven Brugger, Affordable Housing Administrator *S.B.*

**Via:** Katherine Miller, County Manager *K.M.*  
Gregory S. Shaffer, County Attorney *G.S.*  
Penny Ellis-Green, Growth Management Director *P.E.G.*  
Robert Griego, Planning Manager *R.G.*

**Re:** Request Authorization to Publish Title and General Summary of An Ordinance Entitled "An Ordinance Amending Ordinance No. 2011-3 Pertaining to Affordable Housing Roof Repair or Replacement and Renovation"

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## **Background and Summary**

Staff requests authorization to publish title and general summary of the attached ordinance entitled "An Ordinance Amending Ordinance No. 2011-3 Pertaining to Affordable Housing Roof Repair or Replacement and Renovation".

This is a request to make three changes to Ordinance 2011-3, the ordinance which enables the "Happy Roofs" roof repair and replacement program. The requested changes are limited: 1) change maximum limit of assistance from \$10,000 to \$14,999; 2) increase Affordability periods from 5 to 10 years for assistance up to \$14,999; 3) limit eligibility only to low income households at or below 80% of Area Median Income, rather than including moderate income households at or below 120% of Area Median Income.

The rationale for change (1) is that the cost of roof replacements are routinely going over \$10,000 and our typical recipient has no additional disposable income to pay or borrow the difference. The last five low bids that have come in on roof replacements for homes in Chimayo, Glorieta, El Dorado have ranged from \$11,850 to \$13,425, including gross receipts tax. Unless the existing limit of \$10,000 is raised, work on these jobs will not be able to proceed.

The rationale for change (2) is that in return for a greater amount of assistance, it is logical to extend the term of our deferred payment loan beyond the MFA minimum of 5 years, which does not pose a problem for long term residents. At present, the deferred payment loan is forgiven at the end of 5 years.

The rationale for change (3) is to focus limited resource use on those households in the greatest need, which would be low income households.

The attached draft ordinance has been reviewed and approved by both the County Attorney's office and legal counsel for the NM Mortgage Finance Authority.

### **Fiscal Impact**

Identified in the attached fiscal impact report.

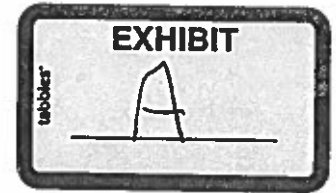
### **Action Requested**

Provide authorization to publish title and general summary for this ordinance and hold a public hearing on this proposed ordinance at the BCC meeting of October 28, 2014.

### **Attachments**

- Attachment A: Draft Ordinance
- Attachment B: NM Mortgage Finance Authority approval letter
- Attachment C: Ordinance 2011-3
- Attachment D: FY2014 Income Limits for Santa Fe County
- Attachment E: Fiscal Impact Report

THE BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO



ORDINANCE NO. 2014-

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AN ORDINANCE AMENDING ORDINANCE NO. 2011-3 PERTAINING TO AFFORDABLE HOUSING  
ROOF REPAIR OR REPLACEMENT AND RENOVATION

---

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that  
Ordinance 2011-3 is amended as follows:

**Section One.** Section Four, Subsection P is deleted in its entirety.

**Section Two.** Section Five, Subsection C is deleted and replaced with the following:

"C. A roof repair or replacement Housing Assistance Grant shall not exceed the sum of fourteen thousand nine hundred ninety-nine dollars (\$14,999). The amount of the Assistance shall be determined by the Administrator."

**Section Three.** Section Five, Subsection M is deleted and replaced with the following:

"M. In compliance with the Affordable Housing Act rules, the long-term Affordability Period for Housing Assistance Grants awarded for roof repair or replacement under this Ordinance (\$1 to \$14,999) shall be for a period of ten years".

**Section Four.** Section Seven, Subsection H is deleted and replaced with the following:

"In compliance with Affordable Housing Act rules, the long-term Affordability Period for Housing Assistance Grants awarded under this Ordinance shall be as follows:

- (1) \$1 to \$14,999 shall be for ten (10) years;
- (2) \$15,000 to \$39,999 shall be for fifteen (15) years;
- (3) \$40,000 to \$100,000 shall be for twenty (20) years;
- (4) \$100,001 or greater shall be for twenty-five (25) years."

**Section Five.** The phrases "to moderate" and "or moderate" are hereby deleted from: Section Two, Section Four, Subsections B, Q(1), Q(2)(ii) Q(2)(iii), and R; Section Five, Subsections B(2) and I; Section Seven, Subsections B(2), C(2), and F; and Section Eight, Subsections B(1) and B(6).

**Section Six.** All other provisions of Ordinance 2011-3 not herein amended shall remain in full force and effect.

**PASSED, APPROVED, and ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

\_\_\_\_\_  
Daniel W. Mayfield, Chair

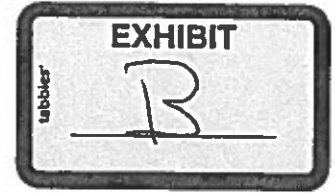
**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory S. Shaffer, County Attorney





September 16, 2014

Steven Brugger, AICP  
Affordable Housing Administrator  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87504

Re: Ordinance No. 2014- : An Ordinance Amending Ordinance No. 2011-3 Pertaining To  
Affordable Housing Roof Repair Or Replacement And Renovation

Dear Mr. Brugger:

The New Mexico Mortgage Finance Authority (MFA), in accordance with the Affordable Housing Act (Section 62-7-1 NMSA 1978 et. seq.) ("Act"), and the Affordable Housing Act Rules ("Rules") adopted thereto, has reviewed the proposed Ordinance No. 2014- , more fully described above, as submitted by Santa Fe County. MFA has determined that the proposed Ordinance is in compliance with the requirements set out in the Act and the Rules.

Pursuant to the Rules, Santa Fe County should provide MFA with a certification that the proposed Ordinance was passed by the Santa Fe County Commission.

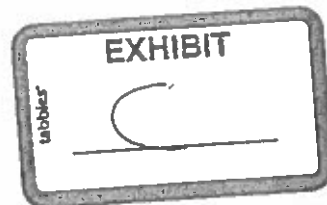
Thank you for the County's continued efforts to provide affordable housing for Santa Fe County residents. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie A. Martin".

Marjorie A. Martin  
MFA Attorney





SANTA FE COUNTY, NEW MEXICO

ORDINANCE NO. 2011- 3

**AN ORDINANCE AUTHORIZING SANTA FE COUNTY TO PROVIDE HOUSING ASSISTANCE GRANTS FOR REPAIR OR REPLACEMENT OF AN EXISTING ROOF AND RENOVATION PURSUANT TO ARTICLE IX SECTION 14 OF THE NEW MEXICO CONSTITUTION AND THE NEW MEXICO AFFORDABLE HOUSING ACT, ESTABLISHING ELIGIBILITY CRITERIA, AN APPLICATION PROCESS, AND CALLING FOR THE DEVELOPMENT OF REGULATIONS IMPLEMENTING THE ORDINANCE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:**

**Section One. Short Title:** This Ordinance may be cited as the "Affordable Housing Roof Repair or Replacement and Renovation Ordinance;" also known as the Happy Roofs Program.

**Section Two. Statutory Authority:** This Ordinance is enacted under the authority of Subsection E and F of Section 14 of Article IX of the New Mexico Constitution, the New Mexico Affordable Housing Act, Section 6-27-1 NMSA 1978 *et seq.*, the New Mexico Mortgage Finance Authority Affordable Housing Act Rules and is consistent with the rehabilitation and energy efficiency initiatives included in the Santa Fe County Affordable Housing Plan 2009 and the Santa Fe County Sustainable Growth Management Plan (SGMP) to address substandard housing conditions and infrastructure for programs that address special housing needs, including services for seniors, of low to moderate income Persons or Households within Santa Fe County.

**Section Three. Scope:** This Ordinance shall apply within the unincorporated areas of Santa Fe County.

**Section Four. Definitions:**

- A. "Administrator" means the Affordable Housing Administrator.
- B. "Affordable Housing" means residential housing primarily for Persons and Households of Low or Moderate Income.
- C. "Affordable Housing Fund" means the fund established in Ordinance 2006-02 whose sole purpose is to support Affordable Housing within Santa Fe County.
- D. "Affordability Period" means the duration of the Affordability Period, which shall comply with the long-term affordability restriction requirements of the New Mexico Mortgage Finance Authority Affordable Housing Act Rules.
- E. "Applicant" means an individual who applies for assistance to repair or replace an existing roof or to renovate existing Infrastructure, single-family residence or multi-family housing projects.

SFC CLERK RECORDED 06/01/2011

F. "Area Median Income" (AMI) means the median income for the Santa Fe Metropolitan Statistical Area as adjusted for various household sizes and published and revised periodically by the U.S. Department of Housing and Urban Development (HUD).

G. "Assistance" is a Housing Assistance Grant issued under authority of this Ordinance

H. "Final Inspection Report" means a report certifying that the repaired or replaced roof has passed inspection by the State of New Mexico Construction Industries Division and meets the requirements defined in the Regulations. The final inspection report shall be prepared by the county, the county's designee, or a contractor to the federal weatherization assistance program.

I. "Housing Assistance Grant" means the donation, provision, or payment by the County of:

- (1) the cost of repair or replacement of an existing roof; or
- (2) the cost of renovating an existing building or Infrastructure.

J. "Infrastructure" means Infrastructure Improvement and Infrastructure Purpose.

K. Infrastructure Improvement" includes, but is not limited to:

- (1) sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;
- (2) drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;
- (3) water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
- (4) areas for motor vehicle use for road access, ingress, egress and parking;
- (5) trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for road access, ingress, egress and parking;
- (6) parks, recreational facilities and open space areas for the use of residents for entertainment, assembly and recreation;
- (7) landscaping, including earthworks, structures, plants, trees and related water delivery systems;
- (8) electrical transmission and distribution facilities;
- (9) natural gas distribution facilities;
- (10) lighting systems;
- (11) cable or other telecommunications lines and related equipment;
- (12) traffic control systems and devices, including signals, controls, markings and signs;
- (13) inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection; and
- (14) heating, air conditioning and weatherization facilities, systems or services, and energy efficiency improvements that are affixed to real property.

L. "Infrastructure Purpose" means:

- (1) renovating or improving existing facilities for Infrastructure, including facilities owned, leased or installed by the owner; and
- (2) incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection.

M. "Initial Inspection Report" means a report to verify that the proposed roof repair or replacement roof is necessary as defined in the regulations. The Initial Inspection Report shall be prepared by the county, the county's designee, or a contractor to the federal weatherization assistance program.

N. "Low Income Person or Household" means a person or household whose income does not exceed 80% of the Area Median Income, adjusted for household size.

O. "MFA Rules" means the New Mexico Mortgage Finance Authority Affordable Housing Act Rules adopted by the New Mexico Mortgage Finance Authority's Board of Directors.

P. "Moderate Income Person or Household" means a person or household whose income does not exceed 120% of the Area Median Income, adjusted for household size.

Q. "Qualifying Grantee" means:

- (1) a person of low or moderate income who is qualified to receive assistance pursuant to the Act, MFA Rules, Ordinance 2011-\_\_ and is approved by the Administrator or
- (2) a governmental housing agency, regional housing authority, corporation, limited liability company, partnership, joint venture, syndicate, association or a non-profit organization that:
  - (i) is organized under State or local laws and can provide proof of such organization;
  - (ii) if a non-profit organization the primary mission must be to provide housing or housing-related services to Persons of Low or Moderate Income, must have received a 501(c)(3) designation prior to applying and no part of net earnings inure to the benefit of any member, founder, contributor, or individual;
  - (iii) if a non-individual applicant the organization must have a functioning accounting system that is operating in accordance with generally accepted accounting principles or has designated an entity that will maintain such accounting system, have among its purposes significant activities related to providing housing or services to Persons or Households of Low or Moderate Income; and evidence or certification that the applicant has no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit, or if it has any such findings, it has a certified letter from the County, the MFA, or auditor stating that the findings are in the process of being resolved; and
  - (iv) is approved by the Administrator.

R. "Qualifying Residence" means a single-family residence or multi-family housing project occupied or intended primarily for occupancy by a Person or Household of Low or Moderate Income within the unincorporated areas of Santa Fe County.

S. "The Act" means the New Mexico Affordable Housing Act, Section 6-27-1 NMSA 1978, *et seq.*

T. "Regulations" means the regulations adopted and amended by the Board of County Commissioners of Santa Fe County to carry out the provisions of the Affordable Housing Roof Repair and Replacement Ordinance.

U. "Relation by blood or marriage within the third degree" includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.

V. "Renovation" means the substantial renovation or reconstruction of existing Infrastructure, single-family residence or multi-family housing projects.

**Section Five. Roof Repair or Replacement General Provisions:**

A. The Administrator may provide Assistance to a Qualifying Grantee to pay the cost or a portion of the cost of the repair or replacement of an existing roof.

- B. To be eligible to receive Assistance an applicant shall:
- (1) submit a completed application to the Administrator;
  - (2) qualify as a Low or Moderate Income Person or Household;
  - (3) own a Qualifying Residence; and
  - (4) occupy the Qualifying Residence as a primary residence.

C. A roof repair or replacement Housing Assistance Grant shall not exceed the sum of ten-thousand dollars (\$10,000). The amount of the Assistance shall be determined by the Administrator.

D. Prior to approval of Assistance the Administrator must receive, in writing, an Initial Inspection Report.

E. Prior to disbursement of Assistance the Administrator shall receive a Final Inspection Report.

- F. In accordance with the Act, MFA Rules and this Ordinance:
- (1) Assistance shall be secured by a mortgage or lien on the real estate for which the Housing Assistance Grant was issued in the amount of Assistance for the duration of the Affordability Period; and
  - (2) The Qualifying Grantee shall enter into a restrictive covenant agreement to maintain the Qualifying Residence as his/her primary residence for the duration of the Affordability Period.

G. The mortgage or lien shall be in the form prescribed by the county attorney, shall be duly executed and recorded in the office of the Santa Fe County Clerk prior to the

commencement of any work contemplated under this Ordinance and shall contain a provision that the County may, as permitted by law, recover any attorney's fees and costs incurred in enforcing the provisions of the mortgage or lien and restrictive covenant.

H. Assistance issued pursuant to this Ordinance shall be made directly to the person or business that completed the roof repair or replacement.

I. Notwithstanding any other provision of the Ordinance, the property may be transferred subject to the mortgage or lien if the transfer is to a person or family relation who has low or moderate income, as established by MFA and covenants and promises in writing to maintain the property as the transferee's principal residence for the remainder of the Affordability Period and otherwise to comply with and assume all the terms and conditions of the applicable agreement or the transfer is the result of the death of the qualifying grantee and the transfer is by devise or operation of law to the Qualifying Grantees relation by blood or marriage within the third degree, in which case the transfer will cause an immediate termination of the Affordability Period. The Administrator reserves the right to deny approval of a request to assume or transfer the mortgage or lien.

J. No individual may receive more than one Housing Assistance Grant under this Ordinance and no Qualifying Residence may benefit from more than one award of Assistance under this Ordinance.

K. Individuals who have received Affordable Housing Assistance under Santa Fe County Ordinance 2009-14 shall not be eligible for Assistance under this Ordinance.

L. Applicants approved for Assistance will receive certification from the Administrator. The certification shall be valid for six months after which a person shall be required to update the application and be reapproved. The Administrator, in his or her discretion, may request additional information.

M. Pursuant to MFA Rules, the long-term Affordability Period for Housing Assistance Grants awarded for roof repair or replacement under this Ordinance (\$1 to \$10,000) shall be for a period of five years.

**Section Six. Roof Repair or Replacement Application Process:**

A. The application shall be made on a form approved by the Administrator. The Administrator, in his or her discretion, may request additional information.

B. If the Administrator determines that the application is complete and the applicant meets the qualifications as defined by this Ordinance and the Regulations, the Administrator may approve the Housing Assistance Grant.

C. The Administrator shall provide a copy of the decision and relevant documents to the applicant and when applicable to a contractor to the federal weatherization assistance program to conform to the New Mexico Mortgage Finance Authority weatherization program.

**Section Seven. Renovation General Provisions:**

A. The Administrator may provide Assistance to a Qualifying Grantee to pay the cost or a portion of the cost of Renovating an existing Qualifying Residence or Infrastructure.

B. To be eligible to receive Assistance an applicant shall:  
(1) submit a completed application to the Administrator; and  
(2) provide proof of eligibility to apply for a Housing Assistance Grant to provide housing or related services to Persons or Households of Low or Moderate Income.

C. In accordance with the Act, MFA Rules and this Ordinance:  
(1) Assistance shall be secured by a mortgage or lien on the real estate for which the Housing Assistance Grant was issued in the amount of Assistance for the duration of the Affordability Period; and  
(2) the Qualifying Grantee shall enter into a restrictive covenant agreement to maintain the Qualifying Residence as Affordable Housing or as a facility which provides housing related services to Persons or Households of Low or Moderate Income for the duration of the Affordability Period.

D. The mortgage or lien shall be in the form prescribed by the county attorney, shall be duly executed and recorded in the office of the Santa Fe County Clerk prior to the commencement of any work contemplated under this Ordinance and shall contain a provision that the County may, as permitted by law, recover any attorney's fees and costs incurred in enforcing the provisions of the mortgage or lien and restrictive covenant.

E. Assistance issued pursuant to this Ordinance shall be made directly to the person or business that completed the renovation.

F. Notwithstanding any other provision of the Ordinance, the property may be transferred subject to the mortgage or lien if the transfer is to a person or family relation who has low or moderate income, as established by MFA and covenants in writing to maintain the property as Affordable Housing for the remainder of the Affordability Period and otherwise to comply with and assume all the terms and conditions of the applicable agreement or if a non-individual the entity covenants in writing to maintain the Qualifying Residence as Affordable Housing or as a facility which provides housing related services to Persons of Low or Moderate Income for the duration of the Affordability Period.

G. Applicants approved for Assistance will receive certification from the Administrator. The certification shall be valid for six months.

H. Pursuant to MFA Rules, the long-term Affordability Period for Housing Assistance Grants awarded under this Ordinance shall be as follows:

- (1) \$1 to \$14,999 shall be for five (5) years;
- (2) \$15,000 to \$39,999 shall be for ten (10) years;
- (3) \$40,000 to \$100,000 shall be for fifteen (15) years; and
- (4) \$100,001 or greater shall be for twenty (20) years.



## Section Eight. Renovation Application Process:

A. The application shall be made on a form approved by the Administrator. The Administrator, in his or her discretion, may request additional information.

B. The application shall include the following:

(1) proposal describing the nature and scope of the Renovation proposed by the Applicant, which describes the type and/or amount of assistance which the Applicant proposes to provide to Persons or Households of Low or Moderate Income;

(2) Executive Summary & Project Narrative(s) that address the evaluation criteria set forth in any RFP issued by the County;

(3) for non-profit organizations, proof of 501(c)(3) tax status, documentation which confirms that no part of its net earnings inures to the benefit of any member, founder, contributor or individual;

(4) current annual budget for the Applicant, including all sources and uses of funds not just those related to relevant programs and/or a current annual budget only for the program for which the Applicant is applying for a Housing Assistance Grant, or as otherwise may be required by the County in its discretion;

(5) proposed budget for the Renovation for which the Applicant is applying for a Housing Assistance Grant;

(6) mission statement that has among its purposes significant activities related to providing housing or housing-related services to Persons or Households of Low or Moderate Income;

(7) list of current board members, including designated homeless participation, where required by the County;

(8) current independent financial audit;

(9) evidence or a certification that the Applicant has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has a designated entity that will maintain such an accounting system;

(10) evidence or certification that the Applicant has no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit; or if it has any significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit, it has a certified letter from the County, the MFA, or the auditor stating that the findings are in the process of being resolved;

(11) organizational chart, including job titles and qualifications for the Applicant's employees or as otherwise may be required by the County in its discretion (job descriptions may be submitted as appropriate);

(12) documentation that the Applicant is duly organized in accordance with State or local law and is in good standing with any state authorities such as the Public Regulation Commission (e.g. Articles, Bylaws, and Certificate of Good Standing for a Corporation; Articles, Operating Agreement, and Certificate of Good Standing for a Limited Liability Company; partnership agreement and certificate of limited partnership for a partnership);

(13) certification signed by the Chief Executive Officer, Board President or other authorized official of the Applicant;

(14) evidence to prove the financial and management stability of the Applicant;  
and

(15) evidence that demonstrates commitment of the Applicant to the community;

C. The information provided must clearly evidence the need for the subsidy, that there is or will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act.

D. The County may require that the Applicant provide proof of substantive or matching funds or contributions and/or in-kind donations to the proposed Renovation in connection with the Application for funds under the Act. Nothing contained herein shall prevent or preclude an Applicant from matching or using local, private, or federal funds in connection with a specific Housing Assistance Grant under the Act.

E. Applicant shall provide the County with any certifications or other proof which it may require in order for the County to confirm that the Applicant is in compliance with all applicable federal, state and local laws, rules and ordinances.

F. For Applicants who are submitting Applications in connection with a Multi-Family Housing Project, the following additional information is required:

- (1) A verified certificate that, among other things:
  - (i) identifies every Multi-Family Housing Program, including every assisted or insured project of HUD, RHS, FHA and any other state or local government housing finance agency in which Applicant has been or is a principal;
  - (ii) except as shown on such certificate, states that
    - (I) no mortgage on a project listed on such certificate has ever been in default, assigned to the United States government or foreclosed, nor has any mortgage relief by the mortgagee been given;
    - (II) there has not been a suspension or termination of payments under any HUD assistance contract in which the Applicant has had a legal or beneficial interest;
    - (III) such Applicant has not been suspended, debarred or otherwise restricted by any department or agency of the federal government or any state government from doing business with such department or agency because of misconduct or alleged misconduct; and
    - (IV) the Applicant has not defaulted on an obligation covered by a surety or performance bond.

If such Applicant cannot certify to each of the above, such Applicant shall submit a signed statement to explain the facts and circumstances which such Applicant believes will explain the lack of certification. The County may then determine if such Applicant is or is not qualified.

(2) the experience of the Applicant in developing, financing and managing Multiple-Family Housing Projects.

(3) whether the Applicant has been found by the United States Equal Employment Opportunity Commission or the New Mexico Human Rights Commission to be in noncompliance with any applicable civil rights laws.

G. All Applications shall contain a verification signed by the Applicant before a notary public that the information provided, upon penalty of perjury, is true and correct to the best of the Applicant's information, knowledge, and belief.

H. If the Administrator determines that the application is complete and the applicant meets the qualifications as defined by this Ordinance and the Regulations, the Administrator may approve the Housing Assistance Grant.

**Section Nine. Regulations:**

A. The Affordable Housing Roof Repair or Replacement and Renovation Regulations shall be adopted and amended by resolution of the Board of County Commissioners.

B. The Regulations shall include the following:

- (1) application requirements to ensure that a Qualifying Grantee meets the requirements of the Act, this Ordinance and the Regulations promulgated pursuant to the Ordinance at the time of the award;
- (2) a form application;
- (3) the requirements for verification of an applicant's income level;
- (4) procedures to review and process an application for Assistance;
- (5) the process and requirements for an initial inspection prior to approval of a Housing Assistance Grant;
- (6) timetable for reviewing and awarding a Housing Assistance Grant;
- (7) certificate of approval and Qualifying Grantee's acceptance form; and
- (8) the process and requirements for a final inspection prior to disbursement of a Housing Assistance Grant.

**Section Ten. Affordable Housing Fund, Limitations and Administration:**

A. Proceeds from the Affordable Housing Fund may be used to make the awards permitted pursuant to this Ordinance.

B. Assistance pursuant to this Ordinance shall be subject to the availability of funds budgeted by the Board of County Commissioners for the purpose of providing awards pursuant to this Ordinance.

C. The Affordable Housing Administrator shall administer the Affordable Housing Roof Repair and Replacement Ordinance.

D. Pursuant to Section 6-27-7 NMSA 1978 and MFA Rules Section 4, this Ordinance and any amendments of this Ordinance, along with other required documentation, shall be submitted to MFA for review no less than forty-five days prior to enactment to ensure compliance with the Act, MFA Rules and the Santa Fe County Affordable Housing Plan 2009 and the Santa Fe County Sustainable Growth Management Plan (SGMP).

**Section Eleven. Affordable Housing Roof Repair or Replacement and Renovation**

**Ordinance Review:** The Board of County Commissioners shall review and may consider appropriate amendments to this Ordinance or may repeal this Ordinance in whole or in part.

**Section Twelve. Severability:** The provisions of this Ordinance are severable and if any individual provision of this Ordinance is held invalid by a Court of competent jurisdiction, then

the offending provision shall be stricken but the remaining provisions shall remain in full force and effect.


**Section Thirteen.**    **Effective Date:** This Ordinance shall become effective thirty days after recordation pursuant to Section 4-37-1 NMSA 1978 et seq.

PASSED AND ENACTED THIS 31 DAY OF May, 2011.

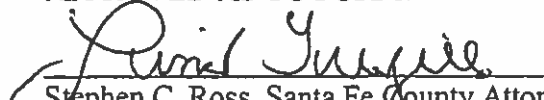
THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO

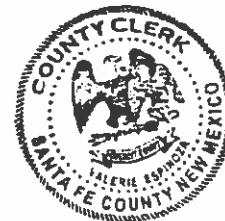
By   
Virginia Vigil, Chair

ATTEST:

  
Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

  
Stephen C. Ross, Santa Fe County Attorney



COUNTY OF SANTA FE        )  
STATE OF NEW MEXICO    ) ss

BCC ORDINANCE  
PAGES: 10

I Hereby Certify That This Instrument Was Filed for  
Record On The 1ST Day Of June, 2011 at 04:11:45 PM  
And Was Duly Recorded as Instrument # 1636401  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
 Valerie Espinoza  
Deputy County Clerk, Santa Fe, NM



AMT Income Limits by county

FY2014 Income Limits Effective Date: 12/18/2013

**Santa Fe MSA, New Mexico. Includes Santa Fe County only.**

FY 2014 Income Limit Area	FY 2014 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Santa Fe County	200%	\$91,500	\$104,500	\$117,600	\$130,600	\$141,100	\$151,600	\$162,000	\$172,500
	150%	\$68,650	\$78,400	\$88,200	\$97,950	\$105,850	\$113,700	\$121,500	\$129,400
	120%	\$54,900	\$62,700	\$70,550	\$78,350	\$84,650	\$90,950	\$97,200	\$103,500
	115%	\$52,600	\$60,100	\$67,600	\$75,100	\$81,150	\$87,150	\$93,150	\$99,200
	100%	\$45,750	\$52,250	\$58,800	\$65,300	\$70,550	\$75,800	\$81,000	\$86,250
	80%	\$36,600	\$41,800	\$47,050	\$52,250	\$56,450	\$60,650	\$64,800	\$68,900
	75%	\$34,300	\$39,200	\$44,100	\$48,000	\$52,800	\$56,850	\$60,750	\$64,700
	70%	\$32,000	\$36,900	\$41,150	\$45,700	\$49,400	\$53,050	\$56,700	\$60,350
	65%	\$29,750	\$33,950	\$38,200	\$42,450	\$45,850	\$49,250	\$52,650	\$56,050
	60%	\$27,450	\$31,350	\$35,300	\$39,200	\$42,350	\$45,500	\$48,600	\$51,750
	50%	\$22,900	\$26,150	\$29,400	\$32,650	\$35,300	\$37,900	\$40,500	\$43,150

**Albuquerque MSA, New Mexico. Includes Bernalillo, Sandoval, Torrance and Valencia Counties. Rio Rancho is in Sandoval County.**

FY 2014 Income Limit Area	FY 2014 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
	150%	\$62,850	\$71,850	\$80,850	\$89,700	\$97,000	\$104,200	\$111,300	\$118,500
	120%	\$50,300	\$57,500	\$64,700	\$71,750	\$77,800	\$83,350	\$89,050	\$94,800
	115%	\$48,200	\$55,100	\$62,000	\$68,750	\$74,350	\$79,850	\$85,350	\$90,850
	100%	\$41,900	\$47,900	\$53,900	\$59,800	\$64,650	\$69,450	\$74,200	\$79,000
	80%	\$33,500	\$38,300	\$43,100	\$47,850	\$51,700	\$55,550	\$59,350	\$63,200
	70%	\$29,350	\$33,550	\$37,750	\$41,850	\$45,250	\$48,600	\$51,950	\$55,300
	65%	\$27,250	\$31,150	\$35,050	\$38,850	\$42,000	\$45,150	\$48,250	\$51,350
	60%	\$25,150	\$28,950	\$32,750	\$36,500	\$39,350	\$42,150	\$44,950	\$47,750
	55%	\$23,050	\$26,750	\$30,450	\$34,150	\$36,850	\$39,550	\$42,250	\$44,950
	50%	\$20,950	\$23,950	\$26,950	\$29,900	\$32,350	\$34,750	\$37,100	\$39,500



## SANTA FE COUNTY FISCAL IMPACT REPORT (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed ordinance or resolution as to its direct impact upon the County's operating budget and is intended for use by staff of the Human Resources and Finance Divisions, the County Manager and the governing body of Santa Fe County. Ordinances/resolutions with a fiscal impact must be reviewed by the Finance Division Director or the Budget Administrator. Ordinances/resolutions with proposed staffing increases must be reviewed and approved by the Human Resources staff and approved by the County Manager before presentation to the Board of County Commissioners (BCC).

Please refer to the instructions on how to complete this form.

### Section A. General Information

☒ Ordinance ☐ Resolution ☐ Other

A single FIR may be used for related ordinances and/or resolutions.

Short Title(s): Ordinance Amending Ordinance 2011-3 Roof Replacement  
 Reviewing Division(s): Growth Management  
 Person Completing FIR: Steven Brugger  
 Date: 9/17/2014  Phone: 505.992.6752

### Section B. Summary

Briefly explain the purpose and major provisions of the ordinance/resolution.

Increase maximum assistance from \$10,000 to \$14,999; increase Affordability periods for the deferred payment loan from 5 to 10 years; limit eligibility to low income households, rather than including moderate income households with incomes at or below 120% OF Area Median Income.

### Section C. Fiscal Impact

NOTE: Financial information on this FIR does not directly translate into a Santa Fe County budget increase.

- a. The item must be presented to the Finance Division for analysis and recommendation as a potential request to increase the existing budget for the county.
- b. Detailed budget information must be included, such as funding source, amounts and justification.
- c. Detailed salary and benefit for new full-time equivalents (FTE's) must be included. The request must be approved by the staff of the Human Resources Division for each new FTE request.

#### 1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – the current fiscal year and the following three fiscal years, where applicable
- b. Indicate "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate "R" if recurring annual costs  
Indicate "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if four years does not adequately project revenue and costs patterns
- e. Costs may be netted or show as an offset if some cost savings are projected (please explain further in Section 3 Narrative)
- f. Please provide additional fiscal impact information for years 3 and 4 in the Expenditure/Revenue Narrative.
- g. This form allows for information related to two fiscal years. Please note info relation to other fiscal years in narrative 3.

Exp. Classification	FY 15	"A" or "N"	"R" or "NR"	FY 16	"A" or "N"	"R" or "NR"	Funds affected
Salary and Benefits		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="text" value="Select or type..."/>
Maintenance		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="text" value="Select or type..."/>
Other Operating		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="text" value="Select or type..."/>
Contractual Services	\$60,000	A	<input checked="" type="checkbox"/> R	\$60,000	A	<input checked="" type="checkbox"/> R	<input type="text" value="Special Revenue..."/>
Capital Requirements		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="text" value="Select or type..."/>

Total \$60,000 \$60,000

\*Any indication that additional staffing would be required must be reviewed and approved in advance by the County Manager by attached memo before release of FIR to the Board of County Commissioners (BCC).

\*\* For salary and benefit information contact the Finance Division, or attach the New FTE Request form to provide necessary information.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.
- Please provide additional fiscal impact information for years 3 and 4 in the Expenditure/Revenue Narrative.

Type of Revenue	FY 2015	"R" or "NR"	FY 2016	"R" or "NR"	Funds Affected
General	\$60,000	NR <input checked="" type="checkbox"/>	\$60,000	NR <input checked="" type="checkbox"/>	Special Revenue <input checked="" type="checkbox"/>
Total	\$60,000		\$60,000		

☒ Insert Item

## 3. Expenditure/Revenue Narrative:

Explain expenditures, grant match requirements, justify salary and benefit costs for new FTE request, detail capital and operating uses, etc. Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. (Attach supplemental page, if necessary). Also, provide expanded information for fiscal year three and four impact for both revenue and expenditures.

Raising the maximum limit of assistance from by \$5,000 from \$10,000 to \$14,999 could potentially increase expenditures by \$60,000 per year, assuming that 12 roof repair jobs are performed per year and that the maximum allowed is the actual cost of the job. In reality, the fiscal impact should be less than this amount. The funds would be taken from affordable housing fund monies, not the general fund. It is reasonable to assume that this fiscal impact would extend into fiscal year three and four.

## Section D. General Narrative

### 1. Conflicts:

Does this proposed ordinance/resolution duplicate/conflict with/companion to/relate to any County code, approved ordinance or resolution, other adopted policies and legislation? Include details of county adopted ordinances/resolutions and dates. Summarize the relationships, conflicts or overlaps.

This ordinance is an amendment to existing Ordinance 2011-3, which enables the Happy Roofs program. It does not conflict with this Ordinance but rather would make the program more

### 2. Consequences of Not Enacting This Ordinance/Resolution:

Are there consequences of not enacting this ordinance/resolution? If so, describe.

The program would not be fully utilized given that typical costs for roof replacements are now coming in over \$10,000. Typical clients are low income and do not have the capacity to pay the difference between the bid amount and the current program limit of \$10,000.

### 3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

N/A

### 4. Community Impact:

Briefly describe the major positive or negative effects the ordinance/resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The proposed amendment would enable the program to be more fully utilized, would better safeguard County resources and would focus the program on lower income households.

☐ Click here to attach a file ☐ Click here to attach a file ☐ Click here to attach a file

Save & Close

[Click here to sign this section](#)



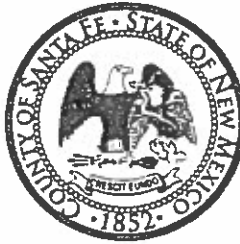




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

TO: Santa Fe County Board of County Commissioners

FROM: David Griscom, Economic Development Manager *DS*

VIA: Robert Griego, Planning Manager *BG*  
Penny Ellis-Green, Growth Management Director *PEG*  
Katherine Miller, County Manager *KM*

RE: Presentation on the International Mountain Biking Association (IMBA) Silver-level Ride Center award

DATE: September 16, 2014

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### **Background and History**

Santa Fe was host to the IMBA World Summit in 2012, which brought national and international recognition to the trails infrastructure that exists throughout Santa Fe County for mountain biking and hiking. Throughout Santa Fe County, there are hundreds of miles of mountain biking trails, and Santa Fe is slowly becoming a destination for mountain biking as a result of the trails infrastructure. Santa Fe County identified Outdoor Recreation/Ecotourism as a target industry in the SGMP, and which was also identified in the recently adopted Economic Development Plan as a target industry. According to the Outdoor Industry Association, outdoor recreation in NM is a \$6.1 billion impact to the state's economy. Santa Fe County, in collaboration with City of Santa Fe, NM Partnership, and Regional Development Corporation, has been actively recruiting outdoor products companies to locate in Santa Fe. The City of Santa Fe passed Resolution 2014-24, calling for the City, County, and the local IMBA chapter "SF Fat Tire Society" to work together to achieve an IMBA Ride Center status. Having an IMBA Ride Center award increases a community's visibility to the mountain biking industry and solidifies its place as a destination for mountain biking.

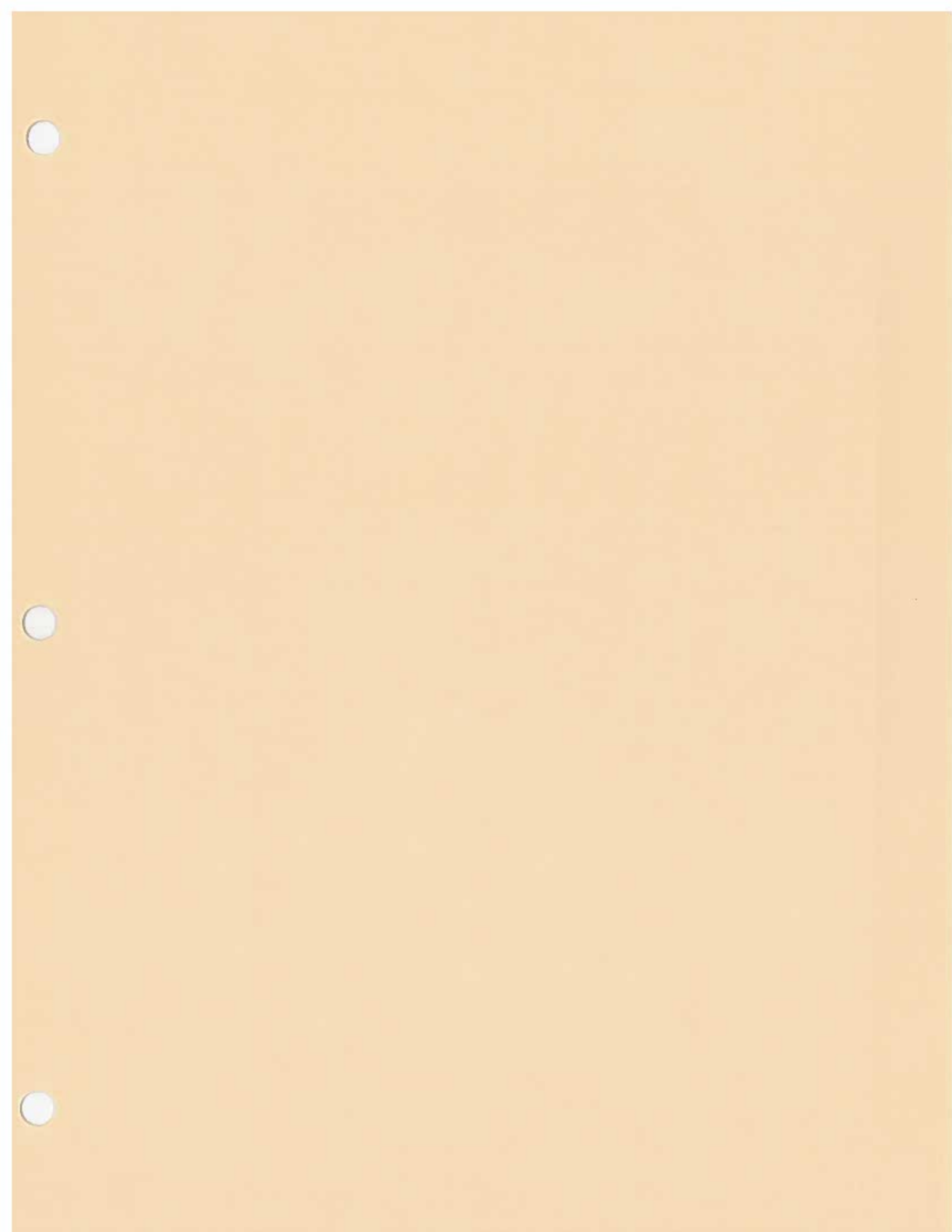
### **IMBA Silver Award**

At the request of the SF Fat Tire Society, SF County, and City of Santa Fe, IMBA staff visited Santa Fe in May during the Outside Bike and Brews Festival, and conducted a thorough assessment of the trails infrastructure throughout SF County, including an assessment of hotels, restaurants, and breweries within and outside City of Santa Fe. As a result of that site visit, IMBA awarded Santa Fe a Silver-level Ride Center designation (3 levels- Gold, Silver, Bronze). There are currently only 10 other Silver Ride Centers in the World, and only one Gold. The

Silver award for Santa Fe was announced at the 2014 IMBA World Summit in Steamboat Springs in August, and County Manager Katherine Miller attended and received the award along with the SF Fat Tire Society.

**Other Recent Accolades for Santa Fe**

- Singletracks Magazine voted Santa Fe one of the Top Ten mountain biking destinations in North America
- League of American Bicyclists awarded Santa Fe a Silver designation for its bicycle transportation infrastructure
- USA Today listed Santa Fe as one of America's Top Mountain Biking Towns
- Outside Magazine listed Santa Fe as one of the Top 10 Towns for High Altitude Running
- Runners World Magazine rated Santa Fe's Dale Ball trail system one of 25 Best Trail Runs in America
- Conde Nast voted Santa Fe as the best Small Town in America

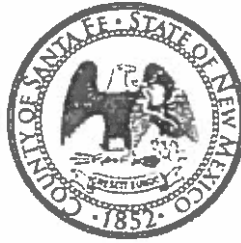




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

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*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**MEMORANDUM**

**DATE:** *September 8, 2014*

**TO:** *Board of County Commissioners*

**FROM:** *Evelyn Valencia, Senior Accountant EV.*

**VIA:** *Katherine Miller, County Manager KM*  
*Teresa Martinez, Finance Director TM*

**ITEM AND ISSUE:** BCC Meeting September 30, 2014

**Presentation of the Santa Fe County Advertising & Promotional Efforts Summary from Impressions Advertising (Finance/Teresa Martinez)**

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***Issue:***

The Santa Fe County Finance Division brings forward a presentation from Impressions Advertising, specific to advertising efforts funded by Lodgers Tax revenue. Impressions Advertising is responsible for the Advertising and Promotional Services for Santa Fe County via oversight by the Lodger's Tax Advisory Board and Santa Fe County.

***Background:***

This presentation includes an overview of the advertising and promotional efforts agreed upon through the advice of the Lodgers' Tax Board in FY2014 and a sampling of what is forthcoming in FY2015. The efforts were advertised in targeted geographic areas with the overall goal of enticing the audience to travel to New Mexico, more specifically, Santa Fe County and create a visual of what the County has to offer as a vacation destination.

***Recommendation:***

The Finance Division requests your time and attention to the presentation today by Russ Rountree, President of Impressions Advertising.







TO: Santa Fe Board of County Commissioners  
FROM: Russ Rountree, Impressions Advertising  
DATE: September 3, 2014  
RE: Lodgers' Tax Marketing/Advertising Promotion

The following packet contains marketing information regarding efforts that Impressions Advertising has (and is) undertaking in promoting visitation to Santa Fe County. Included in this packet are the FY14 Budget and Media Plans as well as some samples of the ads that have run to promote tourism to Santa Fe County.

### **BACKGROUND**

There are nearly 15 lodging properties found in Santa Fe County. These properties create a total inventory of approximately 400 rooms. Overnight guests at the properties generate Lodgers' Tax (in Santa Fe County the tax is 4% on the overnight room charges), a portion of which is used to fund the advertising and promotion campaign.

Santa Fe County's tourism promotion includes ads in travel and lifestyle publications, in-state broadcast/cable placement, online marketing, social media, a comprehensive web site, public relations activities and fulfillment effort. The campaign entices visitors to tour Santa Fe County and discover attractions and events that lie within the County's 2,000 square mile border.

The audience that is targeted as potential visitors to Santa Fe County are adults between the ages of 35 and 64 with annual household incomes (HHI) of more than \$70,000. The primary geographic areas that County tourism promotion targets include people that live in regional "Drive Market" states (these include Texas, California, Colorado, Arizona and Oklahoma) and New Mexico residents.

A media plan is created specifically for Santa Fe County based on demographics and psychographics of the County's target market. The FY14 plan consisted of 12 print ads, 10 months of cable TV ads, 8 monthly web banner ads and 11 sponsorships of travel newsletter blasts. All of these advertisements collectively had an estimated reach of approximately 11,020,000 people.



In addition to paid media placements, the County has a consistent public relations plan to create awareness of attractions and events found in the county. Not only are monthly releases distributed, but also newsworthy items of interest to travelers (e.g. significant snowfall at the Ski Santa Fe, updates on wildfires, etc) are distributed as warranted. The press relations campaign targets regional and national print and electronic media and fulfillment of requests from press to facilitate coverage of attractions and events in Santa Fe County.

The County's travel web site ([SeeSantaFe.org](http://SeeSantaFe.org)) is the main instrument to deliver information about lodging, attractions, activities and events found in Santa Fe County. All County lodging properties are represented on the web site.

Other marketing materials used by Santa Fe County to promote tourism include online marketing including email blasts and e-postcards in addition to a County tourism brochure.

The five-member Santa Fe Lodgers' Tax Advisory Board oversees the County's tourism marketing program. The board also grants funding requests from eligible events and activities that take place in the County. The funding that is granted is intended to be used for promotional efforts to increase the success of the event or activity. Often, the funding provides recipients additional promotion through the County's press efforts, online marketing components and by being added as content on [SeeSantaFe.org](http://SeeSantaFe.org).



### **BRAND POSITIONING**

The FY14 marketing campaign utilized an advertising tagline of “Find It in Santa Fe County” (samples are attached). The creative executions touch on the myriad of attractions and events in Santa Fe County. The ads play on the adventure of the travel experience and provide an excellent tie-in to more information for potential visitors that is posted to the web site.

### **FY13 MARKETING HIGHLIGHTS**

- Lodger’s Tax collections from FY14 (\$423,757.59) were flat when compared to FY13 (\$423,854.59)
- Increase in the collective Occupancy Rate for County lodging properties of 5.5% for FY14 (67.8%) over FY13 (64.3%)
- Increase in website user sessions of 7% for FY14 (38,257) over FY13 (35,579)

## Budget for FY 2014

Line Item	SFC Contract \$300,000	Budget \$300,000	Percentage of Total Budget
Gross Receipts Tax		\$22,000	7.33%
Media		\$183,503	61.17%
National Leisure Travel	\$67,940		37%
In-State Leisure Travel	\$32,150		18%
On-Line Marketing	\$83,413		45%
Account Service		\$20,000	6.67%
Production		\$26,000	8.67%
Web		\$18,300	6.10%
Production	\$18,000		
Hosting	\$300		
Public Relations		\$19,000	6.33%
Fulfillment		\$10,600	3.53%
Postage	\$100		
Handling	\$100		
Phones	\$1,000		
Voice Mail	\$250		
Storage	\$1,650		
Brochure Distribution	\$3,500		
Fulfillment Administration	\$4,000		
Printing		\$150	0.05%
Photography		\$0	0.00%
Other Production/Miscellaneous		\$300	0.10%
<b>TOTALS</b>		<b>\$299,853</b>	<b>99.95%</b>
		<b>\$147 Under/(Over)</b>	<b>-0.05%</b>



IMPRESSIONS  
ADVERTISING

## Media Plan for FY 2014

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June
NATIONAL LEISURE TRAVEL												
2014 New Mexico Travel Planner Circ: 600,000 - 1/6 page 4-c							X					
Budget Travel Circ: 575,000 - 1/6 page 4-c									X			
Home & Away Circ: 295,255 - 1/3 page 4-c (OK & Mpls. editions) *Oct placement = 1/6p 4-c				X					X			
New York Times Magazine Circ: 1,673,695- 1/9 page 4-c "T Travel"			X								X	
Oklahoma Today Circ: 38,125 - 1/2 page, 4-c					X				X			
Southern Living SW Circ: 642,000 - 4" 4-c Travel Directory				X					X			
Sunset Circ: 425,500 - 1/6 page 4-c (So. Cal. & SW editions)				X						X		



	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June
IN-STATE LEISURE TRAVEL												
Television (Cable)	X		X	X	X		X	X	X	X	X	X

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June
ON-LINE CAMPAIGN												
Denver Travel Email		X	X		X				X			
Dallas Travel Email		X	X		X		X	X	X			X
Dallas Web Ads										X		X
OK City Web Ads				X				X			X	
Denver Web Ads										X	X	X



IMPRESSIONS  
ADVERTISING

Creative for FY 2014

 <p><i>A Real Santa Fe</i></p> <p><i>memory</i></p>	<p><b>Discover real adventures.</b></p> <p><i>...find it in Santa Fe County</i></p> <p>call or click for a free santa fe county brochure</p> <p><b>1-800-548-8272</b> <b>SeeSantaFe.org</b> </p>
---	---

 <p><i>A Real Santa Fe</i></p> <p><i>tradition</i></p>	<p><b>Experience real history.</b></p> <p><i>...find it in Santa Fe County</i></p> <p>call or click for a free santa fe county brochure</p> <p><b>1-800-548-8272</b> <b>SeeSantaFe.org</b> </p>
---	--



IMPRESSIONS  
ADVERTISING

## *A Real Santa Fe*



*adventure*

**Experience real  
memories.**

*...find it  
in Santa Fe County*

call or click for a free  
santa fe county brochure

**1-800-548-8272**

**SeeSantaFe.org**



## *A Real Santa Fe*



*tradition*

**Real culture  
abounds.**

*...find it  
in Santa Fe County*

call or click for a free  
santa fe county brochure

**1-800-548-8272**

**SeeSantaFe.org**







IMPRESSIONS  
ADVERTISING



*The Real  
Santa Fe*



*it's  
awesome!*

*...find it in  
Santa Fe  
County*

World-class opera, outdoor  
adventure, top-rated spas,  
unique culture, unbeatable  
weather...find it all  
in Santa Fe County.

*The Real  
Santa Fe*



*it's  
fantastic!*

*...find it in  
Santa Fe  
County*

World-class opera, outdoor  
adventure, top-rated spas,  
unique culture, unbeatable  
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## **IMPRESSIONS ADVERTISING**

Impressions Advertising Inc., based in Santa Fe, New Mexico, was founded in 1985 as a full service advertising, design and public relations agency. Our company creates magazine and newspaper ads, audio/visual projects, television commercials, logos, brochures, catalogs, online projects, media and marketing plans, annual reports and implement public relations campaigns, as well as a variety of other services.

Impressions has worked on tourism promotions since its inception creating advertising, marketing plans and special projects for many of the businesses within Santa Fe County's hospitality industry. We have served as the agency of record for Santa Fe County, the Las Cruces Convention & Visitors Bureau, the Sandoval County Regional Tourism Association, the Eight Northern Indian Pueblos Council and the Santa Fe Convention & Visitors Bureau (CVB).

Impressions has received numerous local and national marketing and advertising awards including:

- National awards, a Telly and a Mobius, for a television commercial produced by Impressions for the Santa Fe CVB
- "Adrian" awards for advertising promotion excellence as selected by the Hospitality Sales and Marketing Association International
- American Advertising Federation awards and many Citations of Excellence

The award-winning quality and proven performance of our staff's work in tourism promotions has been depended upon by the Santa Fe hospitality industry for more than 25 years. Impressions has grown in its abilities and reputation for customer service and creative solutions, keeping abreast of marketing trends and technological advances.



The mission of Impressions Advertising, Inc. is to be an industry leader in marketing communications services and to advance the overall interests of its clients in the global marketplace. To fulfill this mission, Impressions will continue to offer high-quality, cost-effective services and focus its attention on providing our clients with creative solutions and excellent customer service. Impressions has learned how to make the most of what we have been given and is proud for the privilege to present Santa Fe County to the world.

If you should have questions or comments regarding the County's promotional efforts, you may always contact me at 988-1402 or [Russ@ImpressionsAdv.com](mailto:Russ@ImpressionsAdv.com).





**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## ***MEMORANDUM***

**DATE:** *September 24, 2014*

**TO:** *Board of County Commissioners*

**FROM:** *Claudia Borchert, Utilities Division Director*

**VIA:** *Katherine Miller, County Manager*  
*Adam Leigland, Public Works Department Director*

**ITEM AND ISSUE:** *BCC Meeting September 30, 2014*  
**Presentation on Santa Fe County Water Supply and Water Commitments**

---

### **SUMMARY**

The County's current water supply is approximately 2,580 acre-feet/year (af/y), of which about 1,325 af/y is expected to be delivered in 2014. The County's water supply is currently limited by water rights; physical water and infrastructure limits are approximately 2,976 af/y. Since 2010, County water supply commitments have increased from 823.7 af/y to approximately 2,808 af/y, including recent obligations acquired from annexation. The County has many options on how to align available supply with current commitments, including acquiring additional water rights, securing additional water supply, and reducing demand.

### **BACKGROUND AND INTRODUCTION**

The primary purpose of this memo is to compare the County utility's water supply to its commitments, so that the County can continue to satisfy past obligations while considering new contracts. Many of the County's water service agreements require that the County "*maintain an inventory of water rights available .. at least equal to or in excess of the total quantity of water that the [County] is contractually committed to deliver under this ... Customer Contract and all other Customer Contracts, plus the total of actual deliveries to existing customers, which total shall be based on the average of [County's] actual water sales for the preceding six months.*" Resolution 2006-57- A Resolution Adopting a Santa Fe County Water Resources Department Line Extension and Water Service Policy (attached) also requires Utilities to tally available physical water, water rights, allocations established through valid water service agreements, line losses, affordable housing allocations, allocations for County-sponsored projects or County discretionary use, and water deliveries made the previous year.

In order to have a reliable water supply, at least three primary components are necessary: infrastructure capacity, water rights, and physical, high quality "wet" water. A limitation in any one

of these parts of the “three-legged stool” restricts the available supply. Hence, in analyzing the County’s water supply in this memo, all three elements of the “three-legged” stool are incorporated.

The County’s water commitments (demand) include current customers, the anticipated water needs from vacant lots in areas served, and service agreements to yet undeveloped land.

#### A. WATER SUPPLY

**WATER INFRASTRUCTURE CAPACITY:** The County currently has 1,700 afy of potable water and 873 afy of raw water infrastructure capacity available annually through its partnership in the Buckman Direct Diversion facility (BDD). Should the BCC and the City Council approve the proposed Amendment No. 1 to the BDD Facility Operations and Procedures Agreement (FOPA), the County’s infrastructure capacity will be 2,563 afy, as shown as the total in Table 1 below. Amendment No.1 to the FOPA will likely be brought to the Buckman Direct Diversion Board by November 2014, and will then be forwarded to the governing bodies of the BDD partners for consideration.

<b>Table 1. County BDD Water Infrastructure Capacity</b>	
	<i>Quantity (af/y)</i>
1. County Original Buckman Direct Diversion Capacity	1,700
2. County-purchased capacity from Las Campanas, LLC (“Arizona” rights)	541
3. Capacity from Las Campanas 2012 Water Coop Bulk Water Agreement	332
<b>Total</b>	<b>2,563</b>

**WATER RIGHTS:** Santa Fe County currently owns 1,703 af/y of water rights (the sum of the first two rows in Table 2) available for diversion at the BDD. An estimated additional 464 af/y has been committed or dedicated to the County in exchange for water service commitments.

<b>Table 2. BDD- Diversion Water Rights Available for County Water Deliveries</b>	
	<i>Quantity (af/y)</i>
1. County San Juan-Chama permit	367
2. County-owned water rights	1,336
3. Obligated transfers from Rancho Viejo, etc.	464
<b>Total</b>	<b>2,167</b>

Table 2 does not include remaining 377 af/y of Las Campanas Water Coop water rights, nor an additional 168 af/y of developer-owned water rights that have been transferred to the BDD with the County as co-applicant. Water rights associated with development projects that are not currently moving forward or not assigned to any development projects may or may not eventually be transferred to the County, and therefore, have not been included in the sum in Table 2.

**PHYSICAL ("WET") WATER:** Given the County's mix of water rights, BDD permits, and BDD operational constraints, it is a judgment call to identify the amount of "wet" water available to the County. However, when considering the County's 875 af/y of back-up water supply secured in the 2005 County-City Water Resources Agreement (2005 WRA), the County's San Juan-Chama contract water, the flows in the Rio Grande, the BDD environmental permit limitations, water right portfolio characteristics, operational flexibility of the BDD, and likely future climate change impacts, it is reasonable to assume that all 2,563 af/y of the County's capacity is likely to be able to deliver "wet" water year-round for at least the next decade. This assumption is currently being thoroughly analyzed in the joint County-City Santa Fe Basin Climate Change Study. Alternatives and planning strategies from the analysis will be presented to the BCC within a year.

**WATER SUPPLY SUMMARY:** In the County's three-legged stool of water supply, water rights are currently the limiting factor (Table 3). Hence, the County has 2,580 af/y of water supply currently available, including the 500 af/y available to the County under the 2005 WRA and assuming that all 464 af/y of dedicated water right from Table 2 are deeded to the County.

<b>Table 3. Comparison of Water Rights, Physical Water, and Infrastructure</b>			
	<i>Infrastructure (af/y)</i>	<i>Water Rights (af/y)</i>	<i>Wet Water (af/y)</i>
Diversion	2,563	2,167	2,563
BDD operational processes (4%)	-87	-87	-87
County-City Water Resources Agreement (implied)	500	500	500
<b>Total</b>	<b>2,976</b>	<b>2,580</b>	<b>2,976</b>

**WATER SUPPLIES NOT INCLUDED:** In the future, the use of County-owned, in-Santa Fe basin, groundwater rights will be helpful in increasing the reliability of existing supplies or augmenting future water demand. The County currently owns 153 af/y of Santa Fe basin, groundwater rights. However, since Utilities has no current infrastructure to use the groundwater rights, they are not explicitly added to these supply calculations.

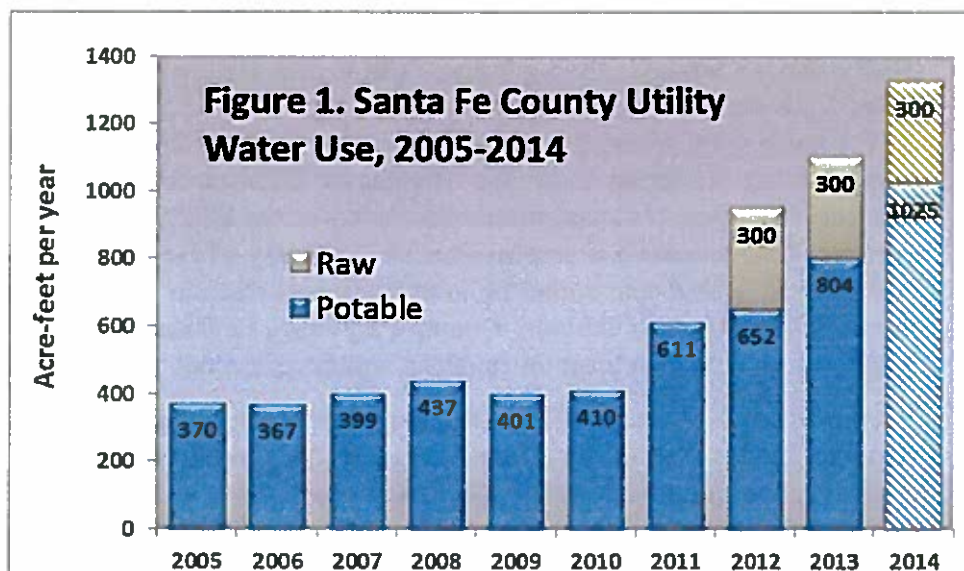
## **B. WATER COMMITMENTS**

The County's water commitments includes the water used by current customers, the anticipated water needs from vacant lots in areas served, and service agreements to yet undeveloped land.

**HISTORIC COUNTY WATER USE:** Since 2005, Utilities has delivered between 367 and 804 af of potable water to its customers annually (Figure 1). Since 2012, Utilities has also delivered an additional 300 af/y of raw (untreated) water to The Club at Las Campanas. Because of increase demand from annexed customers, Utilities estimates 2014 use will exceed 1,300 af.

# **PAST WATER**

**COMMITMENTS:** As of August 2010, the County's water commitments equaled 823.7 af/y (see attached August 18, 2010 memo with Resolution 2010-159). Table 4 lists 1995-2010 commitments previously approved by the BCC. Note: of the 824 af/y, 179 af/y had been allocated to County-related projects, many of which Utilities currently serves.



**Table 4. 1995-2010 Water Commitments**

<i>Period of Allocation</i>	<i>Quantity (af/y)</i>
1995 – 2004	552.16
2005 – 2009	268.29
2009 – 2010	3.25
<b>Total</b>	<b>823.7</b>

**2010-2014 WATER COMMITMENTS:** Over the past 4 years, actions taken by the BCC and/or the Utility have committed water supply to the entities identified in Table 5 below.

**Table 5. 2010-2014 Water Commitments**

<i>Subdivision/Area</i>	<i>Quantity (af/y)</i>	<i>Notes</i>
Canoncito MDWA	25.5*	Resolution 2012-55
Club at Las Campanas	600	2011 Raw Water Agreement
Hyde Park Estates	(30.6)*	Resolution 2013-66; may be supplied with existing wells and/or City water supply
La Cienega Loop	8.4	Resolution 2013-47; assumes all 31 homes along line will connect
La Cienega Lakeside Mobile Home	7.5*	2014 Settlement Agreement



Park		
Las Campanas Water Coop	332	<i>2012 Bulk Water Agreement</i>
NM Dept. of Corrections	275.2	<i>Resolution 2013-8</i>
NM Dept. of Cultural Affairs	0.5	
Sat Nam Khalsa	0.3?	
Santa Fe Animal Shelter	5.4	
Stacey Community Property	10.4	<i>2012 MOU County-City-Stacey Community Property</i>
UDV	0.3	<i>2013 Settlement Agreement</i>
Credits from annexation transfers from 1995-2009 allocations	-66	<i>2008 Annexation Settlement Agreement</i>
Annexation	785**	<i>2008 and 2010 Annexation Settlement Agreements</i>
<b>Total</b>	<b>1,984</b>	

\*The County is acquiring groundwater rights with these systems.

\*\*Assuming 0.25 af use per residential lot. Appendix A of the 2010 Settlement Agreement summed the water budgets for transferred infrastructure at 331 af/y

**WATER COMMITMENT SUMMARY:** By combining the previously allocated demand (Table 4) and the committed demand (Table 5), the County's combined demand is 2,808 af/y (Table 5).

<b>Table 6. Total Estimated Commitments</b>	
<i>Period of Allocation</i>	<i>Quantity (af/y)</i>
1995 – 2010 Allocations	824
2010 – 2014 BCC and Utility Commitments	1,984
<b>Total</b>	<b>2,808</b>

## **DISCUSSION**

It is helpful to consider the comparison of the County's commitments of 2,808 af/y versus current supply of 2,580 af/y in context of water resource management options.

- 1) **Water delivery requirements significant lag behind commitments.** The County currently has almost 50% more water supply than it is expected to need in 2014.
- 2) **The County will continue acquiring water rights.** Utilities will begin allocating new service water-right acquisition fees toward water right purchases. Additionally, per Resolution 2006-57, Utilities is now requiring all new water commitments to provide water rights as a condition of service.
- 3) **Some of the County's commitments may never materialize or may be renegotiated.** For example, the County has committed 600 af/y to Club at Las Campanas. For the foreseeable

future, the Club at Las Campanas is planning to purchase only 300 af/y from the County, since they use their own BDD capacity and leased Jicarilla Apache Nation San Juan-Chama water rights to self-supply the rest of their water needs. The County may also choose to seek additional water supply from the City for the approximately 785 af/y of commitment that the County received as a result of the annexation agreements.

- 4) **The actual amount of water required to meet commitments may be reduced.** Water conservation programs and a reduction in the Level of Service from 0.25 af/y per residential lot (to perhaps 0.2 af/y) will moderate the County's current commitment.
- 5) **The numbers presented herein may be refined.** The estimates herein are based on the best information available at this time. Better numbers will be available once the County delivers water to annexed customers for a full year and County staff reviews the all existing water service agreements and other commitments.
- 6) **Groundwater resources are a necessary component of the County's water supply portfolio.** The County needs to consider how to incorporate its groundwater assets in a way that provided for water supply reliability and sustainability.

### **NEXT STEPS**

In order to continue better understanding the County's water picture, Public Works/Utilities will continue to analyze the following:

1. Refine existing and potential demand estimates for annexed areas.
2. Verify which County allocations are currently being supplied and which service agreements are still valid.
3. Finalize deeds for water right dedicated to the County.
4. Provide new water service requests to the BCC.
5. Develop a Master Plan identifying the Utilities water infrastructure and water supply needs.
6. Propose changes to current Utilities practices, amendments to Resolution 2006-147, and policy strategies to optimize water supply and minimize demand.
7. Develop a bulk water service policy.

### **ACTION REQUESTED**

None; for information only



Public Works  
Utilities Department

August 18<sup>th</sup>, 2010

To: Board of County Commissioners

From: Karen Torres, Hydrologist Utilities Department

Through: Patricio Guerrerortiz, Director Utilities Department

Re: A Resolution Establishing the Schedule of Water Deliveries for July 2010 – December 2010

Pursuant to Resolution No 2006-57, "A Resolution Adopting a Santa Fe County Water Resources Department Line Extension and Water Service Policy, Section 4.B.1" a schedule of new water deliveries for the next six months must be adopted by Board resolution upon recommendation of the Department.

The Department shall maintain an accounting of available physical water, water rights, allocations established through a valid water service agreement, line losses, affordable housing allocations, allocations for County sponsored projects or County discretionary use, and water deliveries made the previous year.

For the July through December 2010 timeframe the Water and Wastewater Operations Department has received 2 requests for new deliveries of water to serve 16 residential lots totaling 3.25 acre-feet.

#### Physical Water

Under the "Water Resources Agreement between the City of Santa Fe and Santa Fe County" dated January 11, 2005, Santa Fe County may take up to 875 acre-feet of water from the City Water System until the Buckman Direct Diversion (BDD) becomes operational in the spring of 2011.

The following table describes the total water taken from 2005 to present:

Year	Total SFC Utility Water Usage	Percentage of Physical Water Used
2005	370.29 acre-feet	42.32%
2006	367.42 acre-feet	41.99%
2007	399.11 acre-feet	45.61%
2008	437.92 acre-feet	50.05%
2009	401.06 acre-feet	45.84%
2010*	186.76 acre-feet	

\*Reflect usage up to July 1, 2010

Currently about 50% of the water delivered from the City of Santa Fe, through the Water Resources Agreement is utilized by the County Water System. Water use for 2009 is less than 2008 due to lower bulk water sales. Unaccounted water was 4.6 % for 2009.

### Water Rights

Santa Fe County owns 876.83 acre-feet of water rights which may be utilized from the Buckman Well Field or the Buckman Direct Diversion as described below:

Water Rights Status	Quantity Permitted
SFC Completed Transfers to the Buckman Direct Diversion	469.55 <sup>1</sup> acre-feet
SFC Completed Buckman Well Transfers	407.28 acre-feet
<b>Total BDD and Buckman Well Field Permitted Water Rights</b>	<b>876.83 acre-feet</b>
In-Basin Groundwater Rights	89.231 acre-feet

<sup>1</sup> Under OSE Permit No. 4842, Santa Fe County may divert up to 367.5 afy which may be increased to 468.75 afy if adequate stored water is available for release to allow for the increased diversion. Santa Fe County has a storage contract with the BOR to store its San Juan Chama water.

Once pending applications for transfer of water rights and conveyance from developer owned water rights are completed, the permitted amount of water available to the BDD will be increased prior to its start up. The in-basin water rights will be utilized for the back-up well program.

### Allocations Established Through Water Service Agreements

The following table is a list of water allocations established by either a Water Service Agreement or a Water Delivery Agreement between a water user and the County. Approximately 820 acre-feet have been allocated for various existing and proposed projects. Roughly 50 % of the water was actually delivered each year. No new agreements to serve water have been executed since the last report to the BCC in January 2010.

Customer	1995 – 2004 Allocation	2005 – 2009 Allocations
	Acre feet/year	Acre feet/year
Rancho Viejo	166.00	59.20
Academy Tech	2.00	
Greer	8.76	
Taurus	3.00	
La Pradera	13.14	
Oshara	30.00	11.00
Beaty, Montoya et al	9.50	
New Mexican	5.00	
American Tobacco	2.00	
Jehovah's Witness	0.50	
Berridge	10.00	
NMDC & NMNG	6.00	

PNM Electric	3.00	
Mowery	1.50	
Warren	2.00	
Terrell	1.00	
Browncastle	5.58	
Capitol Ford	0.31	
Khalexico	0.31	
Boylan (Valle Serena)	1.86	4.2
Jones	0.31	
Traveltown	0.31	
Seaman (Vereda del Este)	0.93	
Santa Fe Brewing Co.	1.00	
Wolf Canyon	1.00	
Allsup's	0.67	
Las Lagunitas	42.00	
Hurlocker, et al	30.38	
Fallows (El Prado)	4.96	
San Cristobal	22.00	
Pueblo Garcia Heights	3.00	
Paseo C de Baca	5.00	
Suerte Del Sur		45.00
Pearson		3.15
Komis		45.00
Gillentine		1.50
Agua Fria CWA		49.30
Burro Alley Partners	8.00	27.00
Northwest Ranches		3.60
Oliver C de Baca		1.0
Love Ranch		1.0
Beaver Toyota		.5
Development Subtotal	390.02 acre-feet	251.45 acre-feet
County Projects		
Detention Facility	55.00	
Affordable Housing	19.00	
Economic Dev. Park	5.16	16.84
SFPS Elementary School	3.00	
Public Safety Complex	7.00	
Other **	2.98	
Valle Vista Housing	40.00	
Bulk Water Sales	30.00	
County Subtotal	162.14	16.84
Grand Total = 820.45	552.16	268.29

### Requests for New Water Deliveries

County Utilities staff sent letters of inquiry to all contractors for water for information on anticipated water needs. Two requests for water delivery for the July – December 2010 time frame were received. The following table is a summary of requested deliveries:

July – December 2010 Schedule of Deliveries						
	RESIDENTIAL LOTS			COMMERCIAL LOTS		CONSTRUCT- ION WATER
Project	Estimated Residential Lots	Estimated Affordable Housing Lots	Water Requested	Estimated Commercial Lots	Water Requested	Construct- ion Water Requested
La Entrada Phase 1 and Windmill Ridge Unit 4 at Rancho Viejo	15 lots	0 lots	3.0 af	0	0	0.00 af
C de Baca	1	0	0.25			
Total	16 lots	0 lots	3.25 af	0	0	0 af
Grand Total	3.25 acre-feet					

### Recommendation

All of the requests for water are in line with the water allocated per lot as determined by Final Development Approval. County Utility staff recommends that the Board of County Commissioners adopts this Schedule of New Water Deliveries for the Period of July to December 2010 by the accompanying Resolution 2010-\_\_\_\_\_.

# Santa Fe County

Resolution No. 2010- 159

## A RESOLUTION ADOPTING A SCHEDULE FOR NEW WATER DELIVERIES FOR THE PERIOD JULY TO DECEMBER 2010

WHEREAS, Resolution 2006-57 requires the County to promulgate and adopt a Schedule of New Water Deliveries for every upcoming six month period;

WHEREAS, the Board of County Commissioners has reviewed and considered a schedule for new water deliveries totaling 3.25 acre-feet for the Period of July – December 2010 as follows:

July – December 2010 Schedule of Deliveries						
	RESIDENTIAL LOTS			COMMERCIAL LOTS		CONSTRUCT- ION WATER
Project	Estimated Residential Lots	Estimated Affordable Housing Lots	Water Requested	Estimated Commercial Lots	Water Requested	Construct- ion Water Requested
La Entrada Phase 1 and Windmill Ridge Unit 4 at Rancho Viejo	15 lots	0 lots	3.0 af	0	0	0.00 af
C de Baca	1	0	0.25			
Total	16 lots	0 lots	3.25 af	0	0	0 af
Grand Total	3.25 acre-feet					

NOW THEREFOR IT IS RESOLVED, that the Bdard of County Commissioners adopts and passes this Resolution making official the Schedule of Deliveries set forth above for the Period July to December 2010.

SFC CLERK RECORDED 89/15/2810

PASSED, APPROVED AND ADOPTED this 14<sup>TH</sup> day of September, 2010

BOARD OF COUNTY COMMISSIONERS

By: [Signature]  
Harry B. Montoya, Chair

ATTEST:

[Signature]  
Valerie Espinoza, County Clerk



Approved as to form:

[Signature]  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss BCC RESOLUTIONS  
PAGES: 2  
I Hereby Certify That This Instrument Was Filed for  
Record On The 15TH Day Of September, 2010 at 11:08:08 AM  
And Was Duly Recorded as Instrument # 1510658  
Of The Records Of Santa Fe County  
Deputy [Signature] Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 09/15/2010



RESOLUTION NO. 2006-57

A RESOLUTION ADOPTING A SANTA FE COUNTY  
WATER RESOURCES DEPARTMENT LINE EXTENSION AND WATER  
SERVICE POLICY

WHEREAS, pursuant to the Water Resources Agreement by and Between Santa Fe County and the City of Santa Fe (2005), the City of Santa Fe agreed to provide wholesale water deliveries to Santa Fe County in the amount of 500 acre feet per year (in perpetuity) and an additional 375 acre feet per year between the year 2005 and the year that the Buckman Direct Diversion Project becomes operational;

WHEREAS, of the 875 acre feet of wholesale water deliveries that the County may receive from the City of Santa Fe prior to the date the Buckman Direct Diversion becomes operational, approximately 700 acre feet per year has already been committed by the County through Water Service Agreements, yet the County Water Resources Department in calendar 2005 delivered 324.68 acre feet per year to County customers;

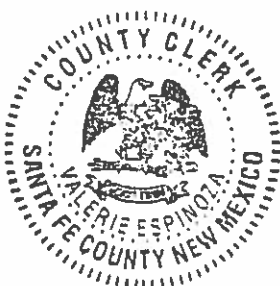
WHEREAS, under current practice, the County provides water to new customers through a system of water rights transfers and parallel water service agreements;

WHEREAS, the form of water service agreements has varied widely, but has become more consistent in recent years, and a common element of virtually all water service agreements is the "allocation" of available water which is reserved to the holder of the water service agreement, whether the holder of the water service agreement actually puts the water to beneficial use or not;

WHEREAS, the practice as described above has resulted in an apparent shortage of water and has also apparently created the possibility of speculation in water service agreements and County allocations of available water, thus reducing the amount of water needed for the County to achieve its stated purposes of providing affordable housing for its citizens and assuring that the County's growth management objectives are met;

WHEREAS, in order to assure that the County's stated objectives as described above are met, significant amendments to existing practices and policies are needed to ensure that water is put to beneficial use, that water is targeted to affordable housing, that water is targeted towards persons who will put it to use, and that speculation in water and water service agreements is avoided; and

WHEREAS, the Board of County Commissioners desires to put such policies in place, effective immediately.



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 13

Hereby Certify That This Instrument Was Filed for  
Record On The 6TH Day Of April, A D , 2006 at 11 41  
and Was Duly Recorded as Instrument # 1427655  
In The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy County Clerk, Santa Fe, NM

**IT IS THEREFORE RESOLVED, AS FOLLOWS:**

1. The Board of County Commissioners of Santa Fe County hereby adopts Attachment A hereto as its Water Resources Department Line Extension and Water Service Policy.
2. Attachment A shall henceforth govern new water service by the by Santa Fe County Water Resources Department, and shall supplant the current practice.
3. Any resolution or policy of the County that is inconsistent herewith shall be, and hereby is, rescinded.

**PASSED, APPROVED AND ADOPTED** this 28th day of March, 2006.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO**

By

  
Harry B. Montoya, Chair

**ATTEST**

By

  
Valerie Espinoza, County Clerk

**Approved as to Form:**

By

  
Stephen C. Ross, County Attorney

FILED  
CLERK  
RECEIVED  
2006 MAR 29 10:21 AM  
SANTA FE COUNTY, NEW MEXICO

## **ATTACHMENT A**

### **SANTA FE COUNTY WATER RESOURCES DEPARTMENT LINE EXTENSION AND WATER SERVICE POLICY**

#### **I. PURPOSE.**

The purpose of this Document is to guide Santa Fe County staff and interested persons on the procedures and principles that will be applied to applications for water service from the Santa Fe County Water Resources Department, water line extensions, allocation of scarce water resources, and areas served by the Department with water service.

#### **II. DEFINITIONS.**

The following definitions shall apply to terms and phrases used in this document:

- A. "Afy" means "acre feet per year."
- B. "Applicant" means a person, corporation, unincorporated association or other legal entity who seeks water service through the Santa Fe County Water Resources Department.
- C. "Application" shall mean the form used by Applicants to apply for New Water Deliveries from the Santa Fe County Water Resources Department.
- D. "Board" means the Board of County Commissioners of Santa Fe County.
- E. "Customer" means a person, corporation, unincorporated association or other legal entity who receives water service through the Santa Fe County Water Resources Department.
- F. "Department" means the Santa Fe County Water Resources Department.
- G. "Line Extension" means an extension of the Department's existing water system or facilities, which extension may include but is not limited to planning, design and construction of transmission and distribution line(s) with related appurtenances.
- H. "New Water Deliveries" means deliveries of water that are applied for after the effective date of this document.
- I. "Project" means a residential or commercial development that was platted or, in the case of a commercial development, that received final approval prior to the effective date of this document.
- J. "Service Area" means the territory which is eligible for water service by the Department as set forth by separate Resolution of the Board.

2007/05/05/2005  
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WATER RESOURCES  
DEPARTMENT

K. "Water Delivery Agreement" is the agreement that grants an Applicant water deliveries pursuant to the approved schedule.

L. Water Resources Agreement means the "Water Resources Agreement between the City of Santa Fe and Santa Fe County."

M. "Year" means calendar year.

### **III. WATER SERVICE: GENERAL.**

A. New Water Deliveries may be provided to an Applicant under the conditions set forth herein.

B. New water service shall be provided through a Water Delivery Agreement after deliveries are scheduled as set forth herein. The form and content of a Water Delivery Agreement shall be specified by the Department, and all such agreements shall be written on a form prepared by the Department.

C. Water service shall only be provided to Applicants within an area designated for water service.

D. A Water Delivery Agreement for New Water Deliveries will only be executed if the proposed deliveries are contained on the schedule of deliveries prepared by the County on an annual basis, as set forth in Article V.

E. Water Delivery Agreements shall not be assignable.

F. Nothing herein shall be interpreted as obligating the Department or the County to provide water service. Any oral representation by any person, whether or not employed by the County or the Department, that water service will be provided to any person not holding a valid Water Delivery Agreement shall be void.

### **IV. WATER SERVICE.**

#### **A. Sources of Water and Water Rights**

1. Santa Fe County maintains a portfolio of water rights which are matched against physical water deliveries pursuant to State law. Nothing herein shall permit deliveries of water that are not matched with appropriate water rights, and Santa Fe County shall be the sole judge of whether adequate water rights exist at any particular time to serve an Application. Santa Fe County may deny any Application on the grounds that adequate water rights are not available to serve the Application.

2. Santa Fe County delivers physical water from a limited number of sources. Santa Fe County, through the "Water Resources Agreement Between the City of Santa Fe and Santa Fe County," has the right to receive 500 afy from the City of Santa Fe in perpetuity. Most of this water has already been obligated through existing water service agreements, and Santa Fe County allocations for economic development and affordable housing. The County, through the Water Resources Agreement, has the right to receive an additional 375 afy of water deliveries from the City of Santa Fe until the Buckman Direct Diversion, a joint City-County venture to divert San Juan-Chama contract water to the City, the County and Las Campanas, is completed. The City's commitment of 375 afy will cease in approximately 2009 when the Buckman Direct Diversion becomes operational and therefore cannot be considered to be a permanent and perpetual source of water. The County has applied to divert its 375 afy of San Juan-Chama water rights from the Buckman Direct Diversion. After completion of the Buckman Direct Diversion, the County will have the right to divert up to 1,700 afy from the Buckman Direct Diversion, and has the capacity to receive 500 afy of perpetual deliveries from the City of Santa Fe. Applicants may therefore expect that supplies of physical water may be limited until the Buckman Direct Diversion is completed. The County's decisions on allocating any part of the 375 afy supplied by the City of Santa Fe, given the uncertainty of deliveries after 2009, shall be final. The County may deny any Application on the grounds that adequate physical water is not available to serve the Application.

3. Because the County holds a limited amount of water rights, Applicants for New Water Deliveries may be required to deposit or dedicate water rights with the County to match against expected deliveries (see Section X, below), pay the County to acquire water rights to match against deliveries that are sought, pay a significant initial service fee, or pay other fees to the County to assist the County to provide a permanent and perpetual water supply. In addition, Applicants for New Water Deliveries may be required to pay the costs of infrastructure (such as line extensions) to supply physical water to projects, and to pay for necessary improvements to County infrastructure to serve an Applicant.

#### **B. Annual Schedule of New Water Deliveries**

1. Twice each year, the County shall promulgate a schedule of New Water Deliveries for the upcoming six months, which shall be approved by Resolution of the Board upon recommendation of the Department. The approved schedule shall govern New Water Deliveries over the following year.

2. To assist in preparing the annual schedule of deliveries, the Department shall maintain an accounting of available physical water, water rights, allocations established through a valid water service agreements in existence as of the effective date of this document, line losses, allocations established for affordable housing pursuant to Ordinance No. 2006-02, other allocations made to County sponsored projects or for County discretionary use, and deliveries that were made in the preceding year. When total deliveries of water in a given year to all customers of the County do not exceed 500 afy, the Department shall set aside no less than ten percent of the water that is deliverable that year for County purposes. When total deliveries of water in a given year exceed 500 afy, the Department shall set aside no less than 50 acre feet plus five percent of the water that is deliverable that year for County purposes. The Department shall

present the accounting to the Board along with its recommendations for the upcoming years' schedule.

3. Once the schedule is approved as described in the previous paragraph, any allocations established through valid water service agreements in existence as of the effective date of this document, line losses, allocations established for affordable housing pursuant to Ordinance No. 2006-02, other allocations made to County sponsored projects or for County discretionary use, and deliveries that were made in the preceding year shall not be available for distribution as New Water Deliveries.

4. Persons desiring New Water Deliveries during the upcoming year and persons holding valid water service agreements in existence as of the effective date of this document, shall file an Application seeking new water service with the Department on or before the date set for the filing of such applications by the Department. The Application shall be made on a form supplied by the Department, and shall be complete; incomplete Applications shall not be accepted. Holders of water service agreements that were executed prior to the effective date of this document must apply for each new delivery, and the deliveries shall be included on the annual schedule.

5. Based on its accounting, the Department may declare that water to service pending Applications is not available, either because of the unavailability of physical water or because insufficient water rights exist to justify deliveries. In this event, the Department shall, during a regular meeting, advise the Board of the problem and the inability to provide service. The Board may suspend issuance of a schedule or schedules for New Water Deliveries pursuant to Section IV (B) (1), until the problem is resolved, or issue a schedule based on its prioritization of water that is available.

6. If, based on its accounting, the Department determines that insufficient physical water or water rights exist to serve existing allocations plus scheduled deliveries for the upcoming year and a declaration of unavailability is made pursuant to the previous paragraph, the Department shall reject any pending Application, but shall keep the Application on file. If the problem that resulted in the declaration is corrected within one year, the Application may be processed. If water becomes available more than one year after submission of the Application, a new Application will be required.

7. Any New Water Deliveries that are scheduled for delivery that are not made within the one-year period of the schedule shall be cancelled and the underlying Water Delivery Agreement shall automatically terminate. Subsequent deliveries will require a new Application, schedule delivery and Water Delivery Agreement.

8. No deliveries will be made that are not consistent with the annual schedule unless extreme hardship is first demonstrated to the Board.

### C. Prioritization of new deliveries

1. When there is more demand for New Water Deliveries for the upcoming fiscal year than the Department can deliver, and finding has been made pursuant to Section IV (B) (6), above, the County may allocate deliveries in any reasonable manner; allocation of water deemed to be available may be allocated among pending applications in any reasonable manner taking into consideration the following factors:

a. [reserved]

b. A project that partially developed a phase under a previous year's schedule and that requires water service to prevent economic infeasibility of the phase may receive priority.

c. A project that employs water conservation measures above and beyond what are already required by County ordinance, or a project that employs energy efficiency measures may receive priority.

d. Existing residential customers that do not receive County or community water service that suffer water supply quantity and/or quality problems (e.g., well requiring immediate work to meet demand or nitrate concentration greater than 10mg/l) or reasonably believe that water quantity or quality problems threaten water supplies (e.g., well water level declining and likely to require well work within two years or nitrate concentration between 4 and 10 mg/l), may be entitled to priority.

e. A project that provides both water and wastewater service may be entitled to priority.

f. A project within a growth priority area of the County, as established by planning documents adopted by the Board, may receive priority.

2. If prioritization becomes necessary, the Department shall provide recommendations to the Board concerning the relevant factors to be considered, the proper application of the factors to the facts of the Application, and the amount of water believed to be available for scheduling. In addition, the Department shall provide recommendations concerning the Department's efforts to increase future supplies.

### V. WATER SERVICE: LINE EXTENSIONS.

A. Whenever a water service line is required in order for the Department to be able to deliver water to customers, an Applicant for New Water Deliveries shall be responsible for constructing infrastructure to provide the water service and for constructing any necessary improvements to the Department's infrastructure.

B. A valid Water Delivery Agreement or a separate line extension agreement shall be required prior to beginning construction of any proposed infrastructure.

C. The Applicant shall plan, design and construct the proposed line extension project. The planning, design work, and construction shall conform to this document, all other applicable laws, standards, Ordinances, Resolutions and regulations of the County, and the standards established by the American Water Works Association (AWWA). Prior to commencing construction of any line extension, engineering plans shall be prepared and certified by a Licensed Professional Engineer in the State of New Mexico and submitted to the Department for review and approval. The Department may disapprove any engineering plans that do not comply with this Resolution and the standards set forth herein. A line extension may be phased, but each phase must independently comply with this Resolution. Construction may commence only after the Department has issued its written approval of the engineering plans. Construction of the line extension project must conform to the approved plans, and shall meet all applicable standards, and shall be performed in a workmanlike manner consistent with standards existing within Santa Fe County. Personnel of the Department shall be permitted reasonable access to the construction site during periods when construction is taking place, and shall be permitted to inspect the project and to issue relevant orders relating to the project, including stop work orders for work that does not conform to the approved plans, requiring that work be constructed according to the approved plans, and requiring that work meet all applicable codes and standards.

D. The cost of planning, designing, constructing and inspecting a line extension project shall be the sole responsibility of the Applicant. Upon completion of construction of the work, the County may accept the work. Acceptance of the line extension project shall be made only by the Director of the Water Resources Department or a designee, and shall be made in writing. After acceptance, the applicant shall ensure that the line extension project and all of its components, including water lines, meters, trunks, stubs, fire hydrants, pumps and other equipment, become the property of Santa Fe County through a separate deed or, as appropriate, plat dedication. Thereafter, the line extension project shall become the property of Santa Fe County and shall be operated and maintained by the Department.

E. The Applicant shall grant to the County, without charge, any and all permanent easements and rights-of-way over and across the Applicant's property on which the line extension project, and any component thereof, is located. Such grant shall be made through the appropriate plat dedication or instrument, and shall be recorded in the office of the Santa Fe County Clerk. The easements and rights-of-way may be located, to the extent possible considering cost and engineering feasibility, in a manner that avoids unreasonable interference with the Applicant's contemplated uses of its property, in a way that complements the contemplated uses, and in accordance with sound construction and engineering standards and practices. In the event that easements and rights-of-way must be acquired from third parties who are not parties to this Agreement in order to complete the line extension project, acquisition of such easements and rights-of-way shall be the sole responsibility of the Applicant.

F. After completion of the line extension project as set forth in the previous paragraphs, the Applicant may be entitled to receive water service pursuant to a Water Delivery Agreement. All such service must be scheduled pursuant to Section IV (B) (1), above, and shall be subject to the prevailing service rates, as published from time to time by the Water Resources Department.



G. If the Department desires that a given line extension be modified to accommodate other reasonably anticipated County needs, the County may require amendments to the line extension project. Any such amendments shall be the subject of a separate written agreement by and between the County and the Applicant. Oral instructions to modify a line extension project to benefit the County shall not be valid in the absence of a valid written contract.

H. Certain smaller applications (e.g., individual residences or neighborhoods currently not receiving service) may provide cash payment and avoid constructing infrastructure pursuant to the requirements set forth above. In such instances, the County shall construct the required infrastructure. The Applicant shall provide any necessary easements. The County shall provide an estimate of the costs to the Applicant; however, an Applicant shall be responsible for the entire costs of construction that may accrue, whether or not said costs exceed the County's estimate. If costs are less than estimated, or if the County receives external funding for construction, the Applicant may receive a refund, or a credit against billings. The Applicant remains responsible for paying any required fees.

## **VI. APPLICATION PROCESS.**

A. To be eligible to receive scheduled water deliveries and a Water Delivery Agreement, an Applicant must meet the following criteria:

1. An Application must be submitted to the Water Resources Department in writing on the form provided by the Water Resources Department.
2. The service requested must be within a designated service area of water service of the Department.
3. The Applicant must agree to comply with all the terms set forth in this document.
4. In order to be placed on the schedule for water deliveries, the project for which the Applicant seeks water service must be approved, as applicable, through the County's land development approval process.

B. An Application will be processed only upon receipt of a complete Application. Applications for water service shall be incorporated into the Department's recommendations for scheduled deliveries pursuant to Section IV (B), herein.

C. If an Application is granted, the Department shall notify the Applicant of the necessity to execute a Water Delivery Agreement. Service will not be provided until an agreement is executed, water rights are deposited into County ownership, and any required fees are paid.

## **VII. REQUESTS TO AMEND A SERVICE AREA.**

A. An Applicant may petition the Department to amend the Department's declared water service area at any time.

B. Once an application is made to amend the Department's service area, the Department shall analyze the request and shall determine the technical merits of the application and evaluate the cost of providing service within the area requested. The analysis shall be presented to the Board for consideration.

C. The Board shall consider the application, the report of the Department, and the statements of persons supporting or opposing the application. The Board may base its decision whether to amend a service area on the ability of the County to service the proposed service area, the costs of providing such service, the revenue expected to be received as a result of the service so provided, and other relevant facts.

#### **VIII. BULK WATER SERVICE TO COMMUNITY SYSTEMS.**

A. The County may provide water service to community water systems, mutual domestic water associations, cooperative water associations, water and sanitation districts, and other similar entities on a bulk service basis.

B. All requests for such service shall be presented to the Board, and shall be documented pursuant to a Joint Powers Agreement or other appropriate agreement.

C. The rate to be charged for water provided pursuant to this Section shall be the bulk service rate set forth in Department's rate schedules.

D. Deliveries made pursuant to this Section shall be scheduled as set forth in Section IV (B), herein.

#### **IX. ALLOCATION LIMITATIONS.**

A. Allocations of capacity for New Water Deliveries shall be limited as set forth on the schedule in any given year, and an Applicant, notwithstanding any transfer of water rights or cash, shall not be entitled to water in any upcoming year unless water deliveries are scheduled and have commenced pursuant to the schedule.

B. In no event shall a residential property be scheduled to receive more than 0.25 afy per dwelling unit (including guest homes, if any) in any given year.

C. New Water Deliveries to any residential development or commercial development shall be limited to 35 afy each year absent extraordinary conditions, except for deliveries made under water service agreements executed prior to the effective date of this document.

D. In no event shall any property be scheduled to receive water in excess of the amount of water rights held by the County to match against the deliveries.

E. For residential subdivisions and commercial developments, an allocation for a given amount of water pursuant to a Water Delivery Agreement will be based on the Applicant's expected water demand for the project, which will in turn be based on the Applicant's projected water budget. Although the Department, and in many cases the County Land Use Department, reviews the proposed water budget for reasonableness, the Department's review shall not be construed as legitimizing the amount of the request for purposes of land use approvals. In the

event that the actual use exceeds the allocation and the amounts set forth in the Water Delivery Agreement, the Department shall take steps to limit actual water use to the amount agreed upon or require the Applicant to supply additional water rights to support deliveries.

#### **X. WATER RIGHTS AND CASH PAYMENTS.**

A. At the time of execution of a Water Delivery Agreement, or before at the Applicant's election, an Applicant shall be required to deposit with the County water rights (or the cash equivalent at the County's option to the value of the water rights required, both as established by the County), to support deliveries pursuant to the Water Delivery Agreement, plus 20%. Using a dedication form provided by the Department, an Applicant may deposit water rights with the County at any time that are intended to back up water deliveries in future years or to satisfy requirements under the Land Development Code, with the understanding that deposit of said water rights does not create a delivery obligation on the part of the County to delivery water in subsequent years otherwise than as set forth in this document and the annual schedules issued by the County pursuant to the provisions herein. If the Applicant elects to make a cash deposit in lieu of water rights, deliveries will not be scheduled until the County has obtained water rights to match against scheduled deliveries.

B. If water rights are deposited, no later than upon execution of the Water Delivery Agreement, the Applicant shall prepare and submit to the County an application for the transfer of water rights. The water rights transferred pursuant to this paragraph shall be used for offset purposes at the City's Buckman well field pursuant to the "Water Resources Agreement between the City of Santa Fe and Santa Fe County," or transferred to another point of diversion designated by the County. Concurrent with the application to transfer the water rights to the point of diversion, the Applicant shall convey the water rights to the County and obtain approval of a transfer through the Office of the State Engineer. The Applicant shall pay all costs associated with these proceedings. If the water rights are transferred to the Buckman Well Field, the Applicant shall pay the additional cost, if any, necessary to transfer the water rights from the Buckman Well Field to the Buckman Direct Diversion project at any time, if requested to do so by the County. If the County elects to undertake the transfers itself, the Applicant shall reimburse the County for all costs associated with the proceedings before the Office of the State Engineer, and may be required to provide advance payment of the costs.

C. Upon the final, non-appealable issuance of an order approving the application for transfer, the Applicant shall inform the County and provide a copy of the order. If the application is denied, the Applicant shall provide adequate substitute water rights.

D. Any return flow credits that may be approved by the Office of the State Engineer (hereinafter "the OSE") that are associated with the water rights shall belong to the County.

E. If required by the Office of the State Engineer, the Applicant shall acquire and transfer ownership to the County sufficient water rights within an affected tributary system sufficient to offset depletion of the tributary surface flows, as determined by the OSE, and associated with the pumping of the transferred water rights from the diversion point.

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F. If water service is not scheduled and the Applicant proposes to terminate the Water Delivery Agreement, the water rights may be returned to the Applicant and the Applicant shall be responsible for the costs of effectuating the transfer, or, at the County's sole option, the County may purchase the water rights for their-then fair market value.

## **XI. THE COUNTY'S DELIVERY OBLIGATIONS UNDER A WATER DELIVERY AGREEMENT**

A. Once deliveries have been placed on the annual schedule and a Water Delivery Agreement has been executed, and so long as the Customer or Applicant has fulfilled all of its obligations as set forth in the relevant agreement, then, for so long as the Customer or Applicant complies with such obligations, the Department shall provide water service to the Customer or Applicant and successors-in-interest.

B. The Department shall endeavor, by all reasonable means, to deliver the agreed-upon amount of water, suitable in quality for municipal, domestic and industrial use, at pressures meeting the Customer or Applicant's needs.

C. Water service will be provided in accordance with all of the Department's policies, and subject to all the established fees, costs and expenses required by ordinances, resolutions, regulations, contractual conditions, as amended from time to time.

D. In the event of a shortage of water supply or an interruption of water supply due to operational constraints, insufficient water rights, or a lack of physical water, the Department may curtail usage or customers in accordance with County ordinances and regulations. The County shall have no liability for any reduction in water deliveries due to water supply shortages or an interruption of water supply due to operational constraints.

E. Once deliveries pursuant to a Water Delivery Agreement begin, use of any domestic well associated with the premises shall cease and the well plugged and abandoned. Any water rights associated with such a domestic well shall, to the extent permitted by the Office of the State Engineer, be transferred to the County.

## **XII. CHARGES AND FEES**

A. All customers of the Department shall pay fees and charges associated with water service as set forth in schedules promulgated from time to time by the Department and approved by the Board. The Department may assess standby fees, meter fees, impact fees, connection fees, inspection fees, and engineering fees on any particular project.

B. [reserved]

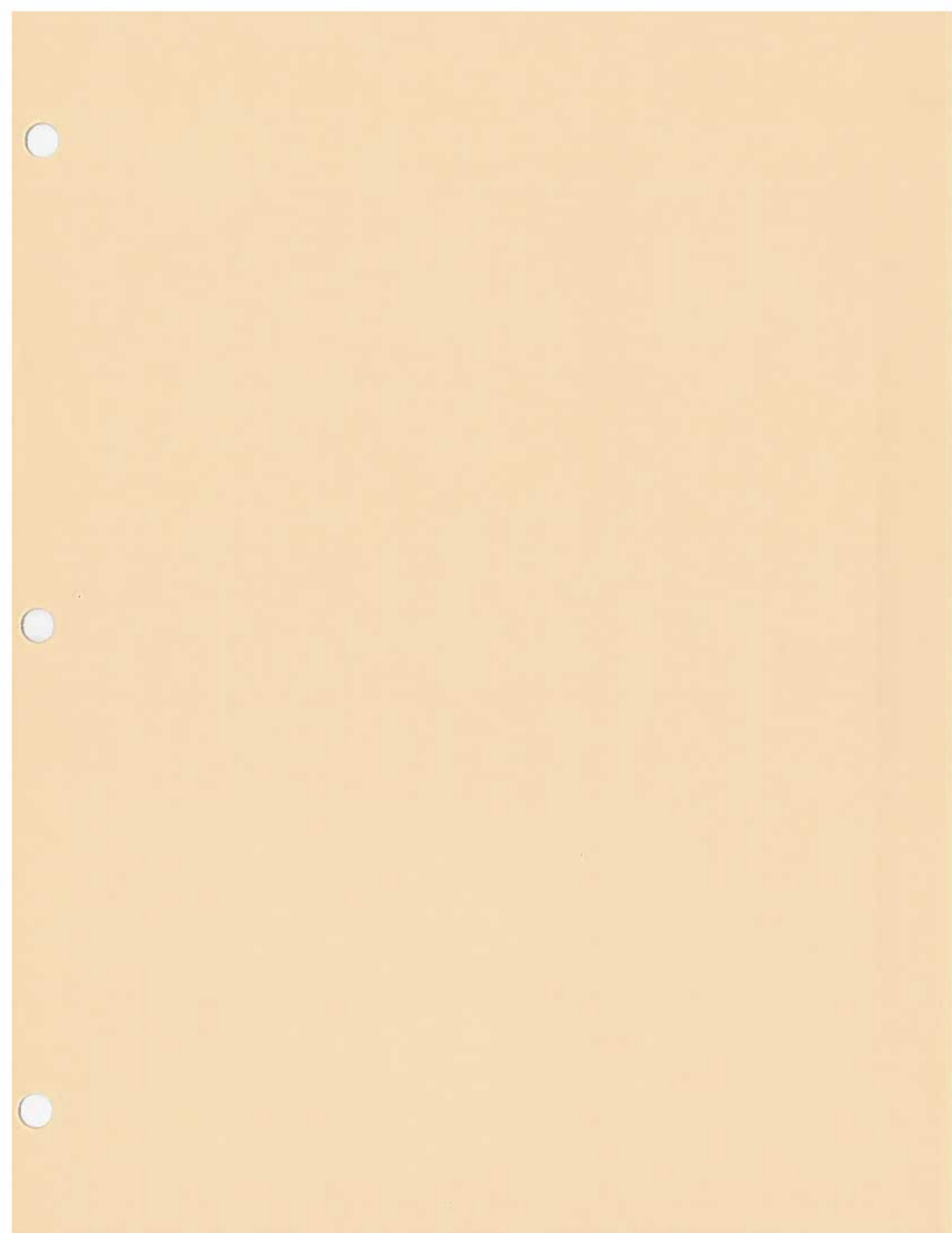
C. The Applicant's obligation to pay service charges will cease when a sufficient number of dwelling units and commercial properties have used water for a period of time sufficient for the County to determine whether the approved water budget reflects actual usage. Release of the Customer from its obligation to pay service charges will be at the sole discretion of the County but such release shall not be unreasonably withheld.

A. Nothing herein shall be construed as a commitment by the Department or the County to bind or obligate the County, its Elected Officials, boards, committees, employees and agents to take any action, including but not limited to: acceptance of any application or other documents for filing; processing of any application or proposal; approval of any kind of land use or development proposal; issuance of any license or permit; or any other action, whether discretionary, ministerial or otherwise, with respect to any proposal or application or other request by the Applicant or anyone on the Applicant's behalf. The Applicant shall acknowledge in a Water Delivery Agreement, that the County's obligations as described in this Agreement are totally independent of any other action or decision-making process of the County and have no bearing whatsoever upon the exercise of any authority or discretion of the County, its Elected Officials, boards, committees, employees, or agents. The Applicant shall be solely and fully responsible for obtaining any and all licenses, permits, approvals or other consents required enabling it to utilize the water committed to be delivered by the County hereunder. Nothing herein constitutes a commitment, promise, assurance or other favorable indication that any such license; permit, approval or other consent will in fact occur or be granted.

C. The County may include additional conditions in a Water Delivery Agreement when necessary to address particular circumstances.

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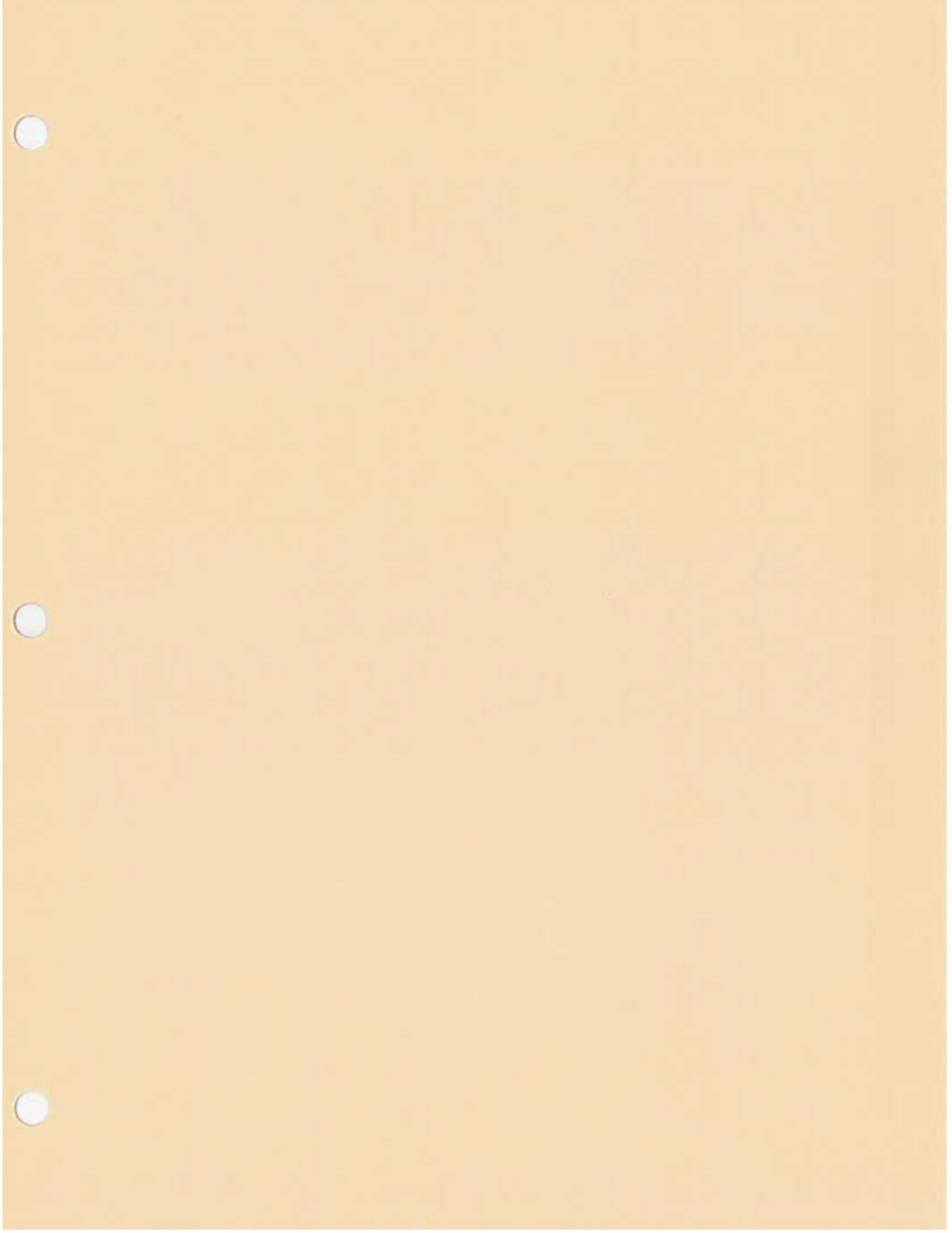






## **IV. B. Matters of Public Concern**



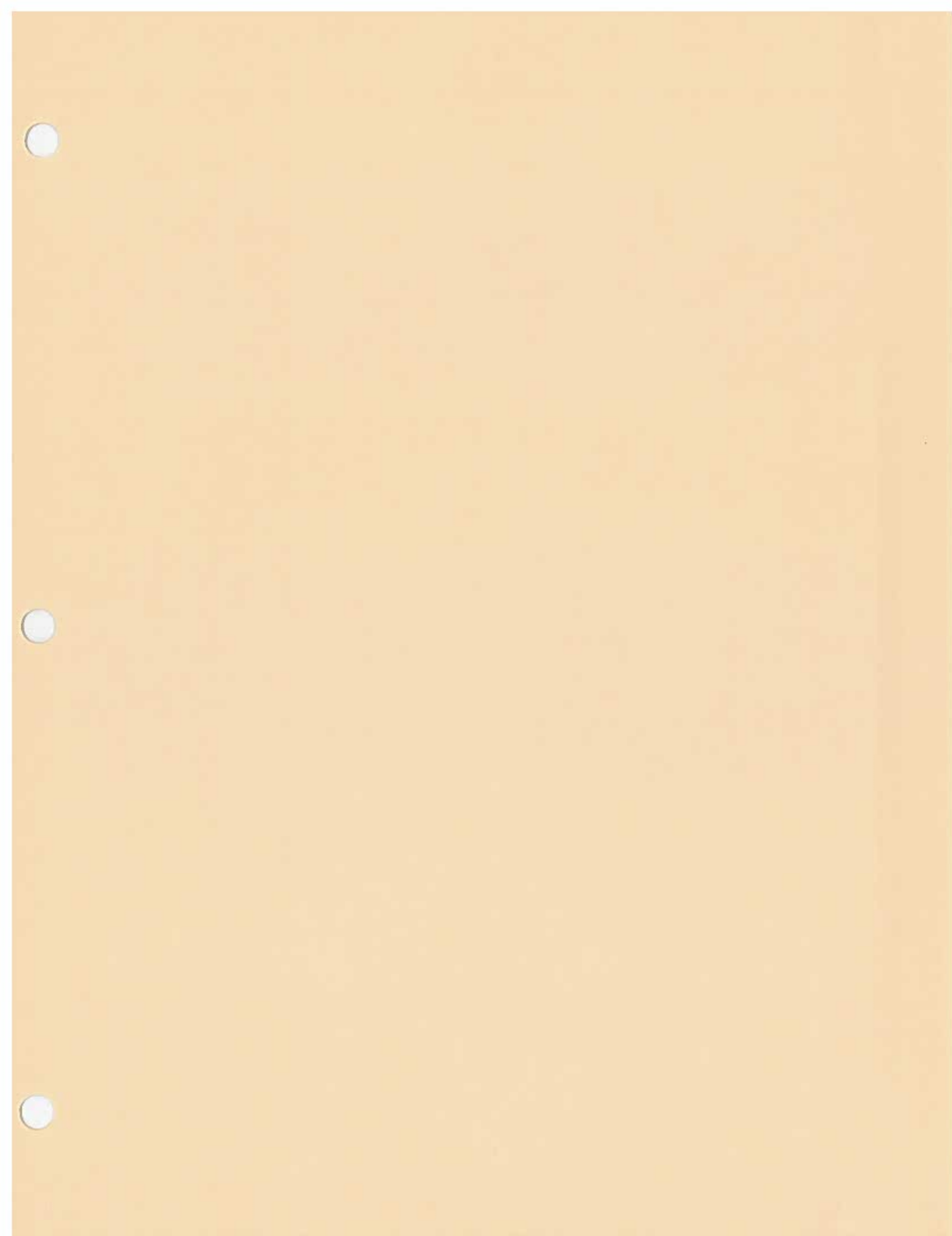




## **IV. C. Matters From The Commission**

### **1. Commissioner Issues and Comments**





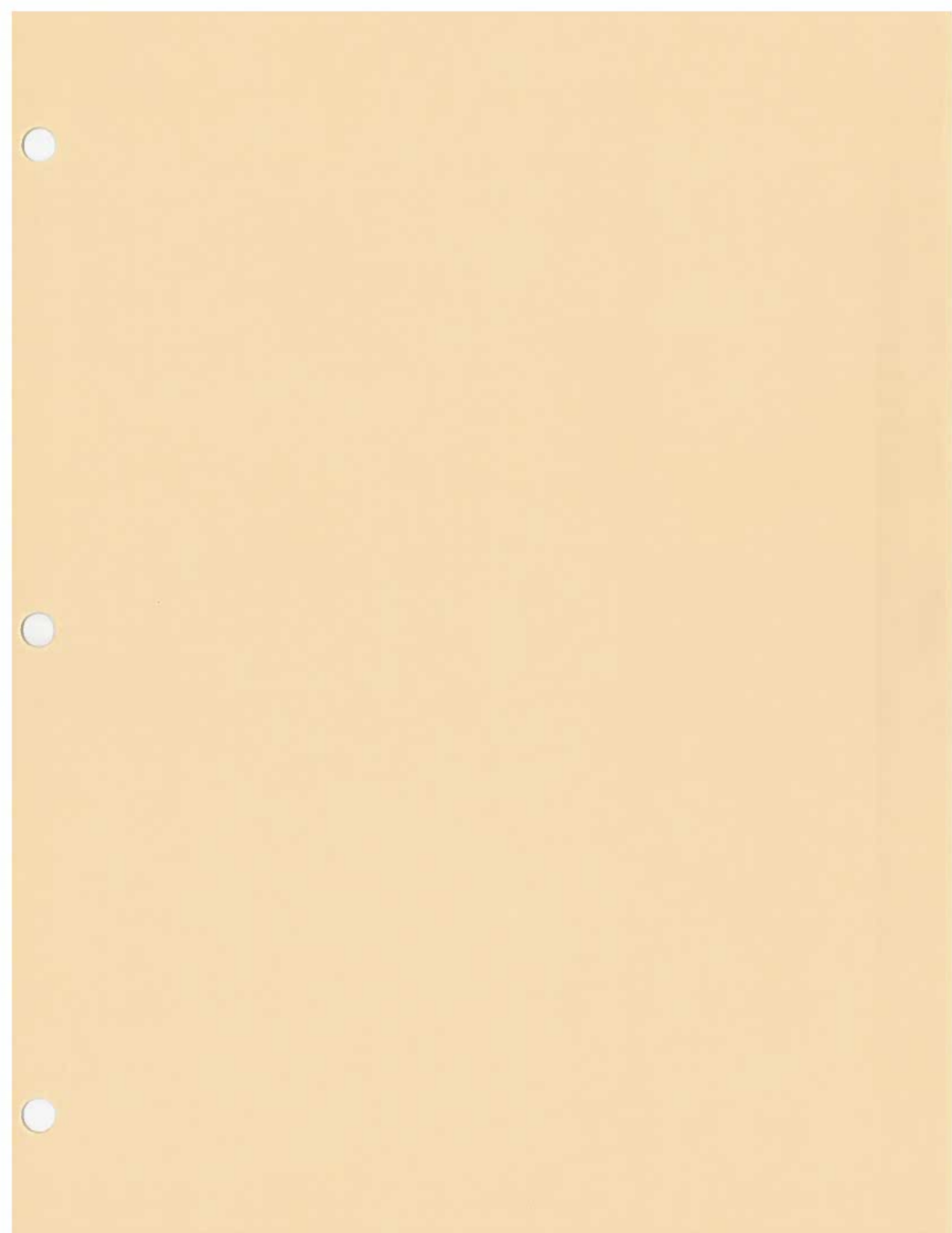




## **IV. D. Matters from the County Manager**

- 1. Miscellaneous Updates**
- 2. Legislative Update**
- 3. City/County Meeting**







## **V. Matters From County Attorney**





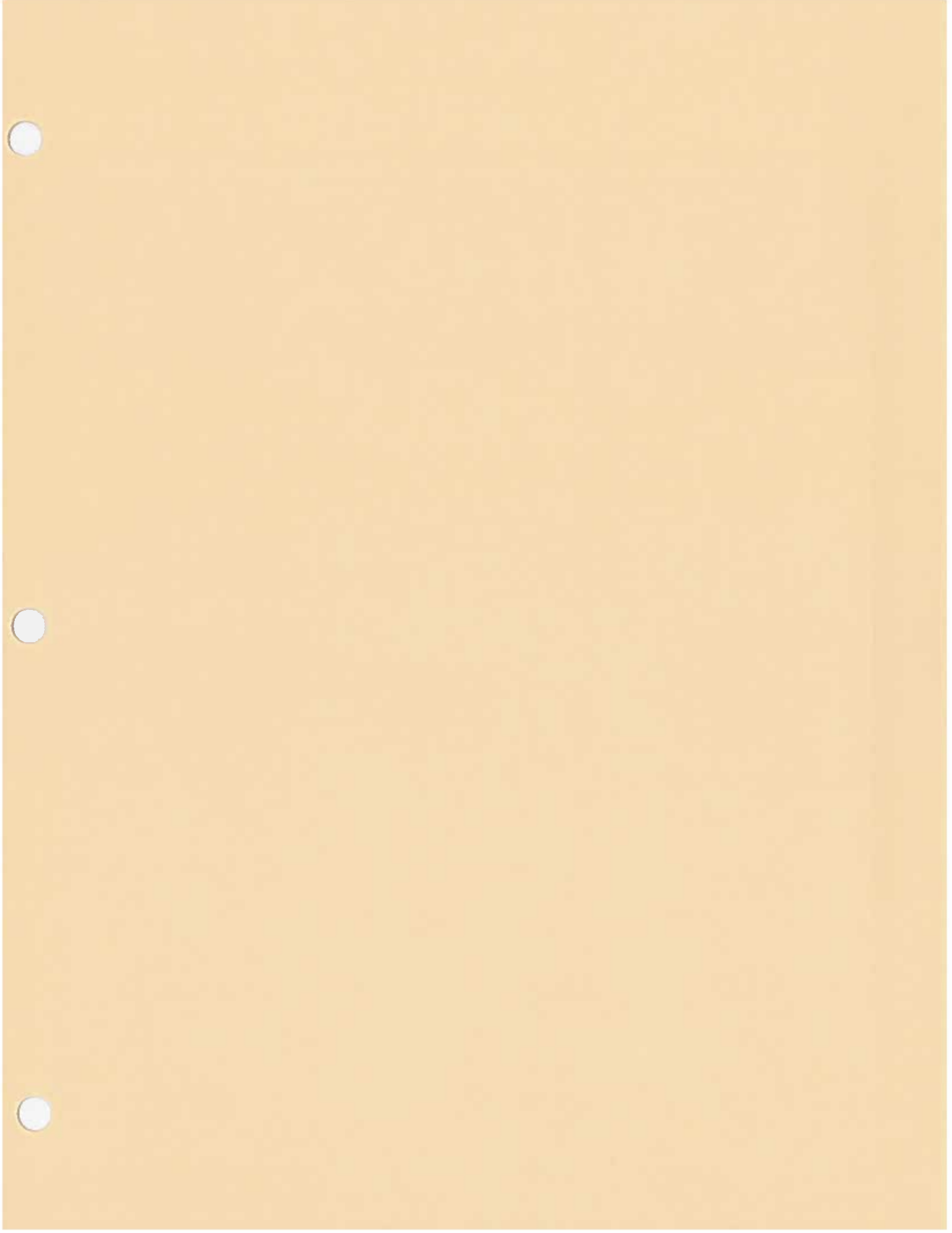




**VI. A. Executive Session**

**B. Action Regarding Stipulated  
Settlement in Public Regulation  
Commission Case No. 13-00390-UT**







**THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY**

**RESOLUTION NO. 2014-\_\_\_\_\_**

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**A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE THE  
SALE OF THE TOP OF THE WORLD FARM AND LEASE OF SANTA FE COUNTY'S  
TOP OF THE WORLD FARM WATER RIGHTS AND EXECUTE ALL DOCUMENTS  
NECESSARY TO CONSUMMATE SUCH TRANSACTIONS**

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**WHEREAS**, Santa Fe County (County) owns real property in Taos County, New Mexico, commonly known as the Top of the World Farm; and

**WHEREAS**, the County is a party to (i) that certain Settlement Agreement, dated April 19, 2012, the purpose of which is to settle the matter of *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV CV 6639 MV/LCS (D.N.M.) (the "Aamodt Litigation") and (ii) that certain Cost-Sharing and System Integration Agreement (Cost-Sharing Agreement); and

**WHEREAS**, among other things, the Settlement Agreement and Cost-Sharing Agreement call for the creation of a Regional Water System for the diversion, treatment, transmission, storage, and distribution of water within the Pojoaque basin; and

**WHEREAS**, in order to implement the Settlement Agreement and Cost-Sharing Agreement, the County sold to the United States 1,141 acre-feet of water per year (AFY) of so-called Top of the World Farm water rights; and

**WHEREAS**, pursuant to the Settlement Agreement and Cost-Sharing Agreement, the County is obligated to transfer to the Regional Water System the 611 AFY of the Top of the World Farm water rights retained by the County; and

**WHEREAS**, Section 9.6.4 of the Settlement Agreement authorizes the County to lease or otherwise utilize its 611 AFY of Top of the World Farm water rights until they are needed for the Regional Water System; and

**WHEREAS**, the Top of the World Farm is not needed for County operations and the County desires to sell the Top of the World Farm;

**WHEREAS**, the County wishes to allow for a timely and efficient process for the sale of the Top of the World Farm and the temporary lease of the County's 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System contemplated by the Settlement Agreement and Cost Sharing Agreement; and

**WHEREAS**, the Board of County Commissioners (Board) desires to authorize the County Manager to negotiate the sale of the Top of the World Farm and the temporary lease of the County's 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System contemplated by the Settlement Agreement and Cost Sharing Agreement.



**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby delegates to the County Manager:

1. The authority to negotiate the sale of the Top of the World Farm, utilizing any real property disposition method authorized by law to do so;
2. The authority to execute all documents necessary to effectuate the sale of the Top of the World Farm, including any documents required to be submitted to the New Mexico State Board of Finance to obtain its approval of the sale;
3. The authority to negotiate the temporary lease of the County's 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System contemplated by the Settlement Agreement and Cost Sharing Agreement, utilizing any disposition method authorized by law to do so; and
4. The authority to execute all documents necessary to effectuate the temporary lease of the County's 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System contemplated by the Settlement Agreement and Cost Sharing Agreement, including any documents required to be submitted to the New Mexico State Board of Finance to obtain its approval of the lease.

**PASSED, APPROVED, AND ADOPTED** this 30<sup>th</sup> day of September, 2014.

**THE BOARD OF COUNTY  
COMMISSIONERS OF SANTA FE COUNTY**

\_\_\_\_\_  
**Daniel W. Mayfield, Chair**

**ATTEST:**

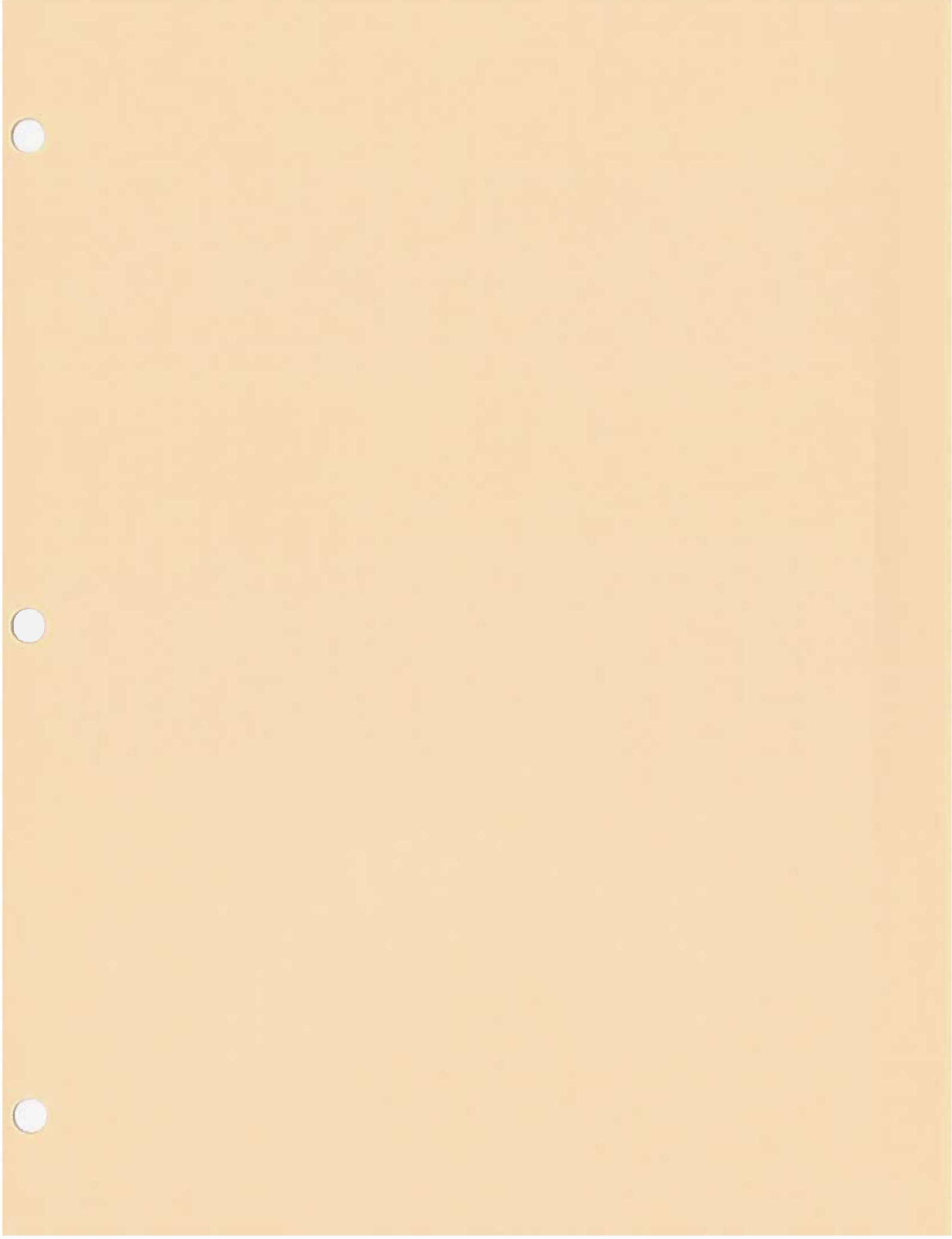
\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney









**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**Date:** September 17, 2014  
**To:** Board of County Commissioners  
**From:** Penny Ellis-Green, Growth Management Director *[Signature]*  
**Via:** Katherine Miller, County Manager *[Signature]*  
**Re:** Growth Management Monthly Report –August 2014

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This report is a summary of projects for Growth Management with statistics from August 2014. Growth Management consists of 3 divisions; Planning, GIS and Building and Development Services.

### **Planning Division**

#### **Affordable Housing**

##### **Home Sales**

Staff is marketing an affordable resale two bedroom home for sale in Rancho Viejo. A prospective buyer has been identified and staff is working with that buyer on securing a permanent VA mortgage and down payment assistance.

##### **Foreclosure Prevention Program**

Staff is working with one homeowner in Turquoise Trail who is at risk of losing their home to foreclosure. Staff has worked with the buyers' Realtor to create a purchase contract and the buyer has submitted an application for down payment assistance.

##### **Down Payment Assistance**

Two home sales using down payment assistance were closed in August. \$15,000 in assistance was used for the purchase of a Rancho Viejo home; \$20,000 in assistance was used for the purchase of a manufactured home in La Puebla.

##### **Happy Roofs**

Staff prepared a scope of work and bid package for a reroofing job and staff is working with the homeowner to select a contractor.

## **Community Planning**

### **Chimayó Community Plan:**

Community planning staff met individually with key stakeholders, county staff and community members to address public comments and seek further input on the Community Review Draft and to discuss next steps. Staff met with UNM's Center for La Raza Planning to scope and schedule a youth vision workshop planned for this fall in Chimayó.

### **NCRTD Report**

The NCRTD Board met on September 5, 2014, a summary of the agenda items discussed and the agenda is attached.

### **Open space**

GIS Resources Inventory Working Group met. This assessment is in support of the development of the Santa Fe County Open Space, Trails and Parks Strategic Plan. The study will compile existing data on the County's natural, cultural, visual and stewardship resources, assess strategic areas for open space acquisition, and provide a baseline of information for the development of countywide goals and management strategies.

County staff and Santa Fe Conservation Trust staff conducted the annual monitoring of the Ortiz Mountains conservation easement.

Staff led the August Petroglyph Hill tour with the help of docent, Bill Baxter. This tour was completely full, with 20 participants.

### **Economic Development**

Economic Development staff attended the Outdoor Retailer Summer Trade Show in Salt Lake City, in collaboration with the NM Partnership, City of Santa Fe, Regional Development Corporation, and City of Las Cruces. As a result of the business recruitment effort, staff is following up on a particularly hot prospect of an outdoor manufacturing business that needs to expand its tent/backpack manufacturing facility, lower its costs, and establish a Fulfillment Center, and is working to set up a site visit for the CEO.

Economic Development staff, in partnership with City of Santa Fe and representing Shoot Santa Fe, presented to the Governor's Council on Film and Digital Media on local film updates.

Economic Development staff participated as a judge in the final annual BizMix business plan competition. Several winners were selected which included Cheese Mongers of Santa Fe (local cheese specialty shop), and Paper Dosa (south Indian restaurant).

Economic Development staff participated in the recent REDI (Regional Economic Development Initiative) State of the Region conference, which includes a Jobs Council assessment of job creation for northern NM.

Economic Development staff convened the first Arts, Culture, Cultural Tourism committee meeting. A Chair was elected, and potential project ideas were discussed.

## **North Central NM Economic Development District (NCNMEDD)**

The next NCNMEDD Board meeting will be September 19th at the SF Business Incubator.

### **Zoning Map and SLDC changes**

Staff continued to assist in the Zoning Map Adoption Draft effort by researching the planning and legal framework for community overlay districts, managing the public comment data base, securing venues and advertisement for upcoming public meetings and providing assistance to members of the public who have questions related to the zoning map, process and/or zoning district assignments.

- The first of the 3 area meetings was held on Wednesday August 27<sup>th</sup> at the Edgewood Fire Station, 1 Municipal Way, Edgewood

The other two area meetings will be held on:

- Tuesday September 16, 2014 6:00 p.m. at the Pojoaque multi-purpose building, 1797 State Highway 502, Pojoaque
- Tuesday September 23, 2014 6:00 p.m. at Santa Fe County Fairgrounds, 3229 Rodeo Rd, Santa Fe

Flyers have been posted in all satellite offices, community centers, senior centers and on the Web and notices on the LED signs owned by the County at the Fairgrounds and the Edgewood fire station. Ads are being run in newspapers.

## **Building and Development Services Division**

### **Permits and Development Review**

The following statistics are provided for permits and approvals issued in August 2014:

	August 2014
New Residential Permits - Stick Built Homes	10
New Residential Permits - Mobile Homes	3
Commercial Building Permits	1
Number of Lots Created – Subdivision Exemptions	6 lots
Summary Review Subdivisions	0 lots
Subdivisions	0 lots
Commercial Business Licenses	5
Home Occupations Business licenses	5
Film Permits	0
Special Use Permits	4

### **Code Enforcement**

The following statistics are provided for code enforcement actions in August 2014:

	August 2014
Number of Initial Notices of Violation Issued	25
Number of Final Notices of Violation Issued	7
Number of Notices of Violation resolved without court action	18

Attached is a report that covers 2013 and 2014 of projects that were given a timeframe for complying with a condition or approval.

### **GIS Division**

GIS staff has assisted with the Resource Assessment for the Open Space and trails plan by providing GIS data and some field mapping.

Field staff assisted the Fire Department with GPS-mapping fire hydrants, for the upcoming ISO inspection

Debra Garcia received her certification in GISP (Geographic Information Systems Professional) renewal; this is based on training, work experience, and contributions to the profession.

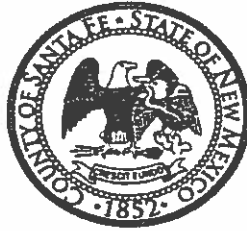
GIS Division is coordinating with IT Division to get all GIS users in the County upgraded to newest version of GIS software. 54 employees have ArcGIS Desktop installed on their PC's for GIS work in their own departments/offices.

In August the E911 Addressing staff replaced 65 addresses.

Daniel Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

Date: September 17, 2014

To Santa Fe Board of County Commissioners

From: Robert Griego, Planning Manager *RG*

via: Katherine Miller, County Manager  
Penny Ellis-Green, Growth Management Director

Re: NCRTD Report

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### Summary

The North Central Regional Transit District Board Meeting was held on September 5<sup>th</sup>, 2014. A brief summary of the agenda items is below:

1. The Board approved a Resolution in Recognition of the 10<sup>th</sup> Anniversary of the NCRTD's certification as the first Regional Transit District in the State of New Mexico. The 10<sup>th</sup> Anniversary Celebration was held on September 12<sup>th</sup> at the Jim West Regional "Transit Center.
2. The Board approved a Resolution 2014-19 Authorizing the Submittal of Applications for Federal Funding for \$5311 in Federal Fiscal Year 2016.
3. Board authorized the Executive Director to purchase 1 34 passenger bus in the amount of \$150,490.00.
4. Appointment of members to the Sustainability Committee. The Sustainability Committee was established to set goals, measurements, and provide reports of progress on sustainability initiatives and goals to the Board. The following additional appointments were made to the Sustainability Committee:  
Katherine Mortimer City of Santa Fe-Sustainable Programs Manager, Erik Aaboe-Santa Fe County- Assistant County Manager, Erick Aune-Santa Fe MPO
5. Long Range Transit Service Plan (LRTSP) -NCRTD has identified the need for a Long Range Transit Service Plan that has a 20 plus year horizon and authorized the Executive Director to execute a contract for the Plan. The purpose of the LRTSP is to utilize data and information from the short term service plan and to build on regional planning efforts such as the Statewide Long Range Multimodal Transportation Plan, Rio Metro District Long Range Plan and the MPO Public Transit Master Plan.
6. Service Request update for Ski Santa Fe and Santa Fe Review. NCRTD staff submitted a grant application to the Federal Lands Access Program. NCRTD staff is continuing to meet with stakeholders regarding potential transit service to this area.
7. Performance Measures-The Executive Director presented the performance measures that include Administrative- ridership, monthly expenditures, costs; Fleet-vehicle ratio, age, accident; Customer Relations-complaints and incidents.



**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
BOARD MEETING AGENDA**

**September 5, 2014  
9:00 AM - 1:00 PM  
Jim West Regional Transit Center  
Board Room**

**CALL TO ORDER:**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. ROLL CALL
4. INTRODUCTIONS
5. APPROVAL OF AGENDA
6. APPROVAL OF MINUTES – August 1, 2014
7. PUBLIC COMMENTS

**PRESENTATION ITEMS:**

- A. **Presentation of Above and Beyond and Safe Driver Awards**  
*Sponsor: Dan Barrone, Chairman and Anthony J. Mortillaro, Executive Director.*

**ACTION ITEMS FOR APPROVAL/ DISCUSSION:**

- B. **Discussion and Consideration of Resolution 2014-18 In Recognition of the 10th Anniversary of the NCRTD's certification as the first Regional Transit District in the State of New Mexico**  
*Sponsor: Anthony J. Mortillaro, Executive Director and Jim Nagle, Public Information Officer. Attachment.*
- C. **Discussion and Consideration of Resolution 2014-19 Authorizing the Submittal of Applications for Federal Funding for \$5311 in Federal Fiscal Year 2016**  
*Sponsor: Anthony J. Mortillaro, Executive Director and Stacey McGuire, Projects and Grants Specialist. Attachment.*
- D. **Discussion and Review of \$5311 Capital Bus Procurement for Fiscal Year 2015**  
*Sponsor: Anthony J. Mortillaro, Executive Director and Michael J. Kelly, Transit and Facilities Operations Director. Attachment.*
- E. **Discussion and Review of Sustainability Committee Member Appointments**  
*Sponsor: Anthony J. Mortillaro, Executive Director and Michael J. Kelly, Transit and Facilities Operations Director. Attachment.*
- F. **Discussion and Award of Long Range Transit Service Plan (LRTSP)**  
*Sponsor: Anthony J. Mortillaro, Executive Director. Attachment.*



- G. **Discussion and Review of the Investment of District Funds and the State of New Mexico Local Government Investment Pool Report**  
*Sponsor:* Anthony J. Mortillaro, Executive Director and Glenda Aragon, Finance Director. *Attachment.*

**DISCUSSION ITEMS:**

- H. **Discussion and Review of Ski Santa Fe Service Update**  
*Sponsor:* Anthony J. Mortillaro, Executive Director and Stacey McGuire, Projects and Grants Specialist. *Attachment.*
- I. **Financial Report for August 2014:**  
*Sponsor:* Anthony J. Mortillaro, Executive Director and Glenda Aragon, Finance Director. *Attachment.*
- J. **Finance Subcommittee Report:**  
*Sponsor:* Chair Tim Vigil and Anthony J. Mortillaro, Executive Director. *Minutes of May 23, 2014.*
- K. **Tribal Subcommittee Report:**  
*Sponsor:* Chair Mary Lou Valerio and Anthony J. Mortillaro, Executive Director. *No Report.*
- L. **Executive Report for August 2014 and Comments from the Executive Director:**  
1) Executive Report  
2) Performance Measures for July 2014  
3) Ridership Report for July 2014

**MATTERS FROM THE BOARD**

- M. **Request for Service to Jicarilla Apache Nation**  
*Sponsor:* Chair Dan Barrone and County Manager Tomas Campos.

**MISCELLANEOUS**

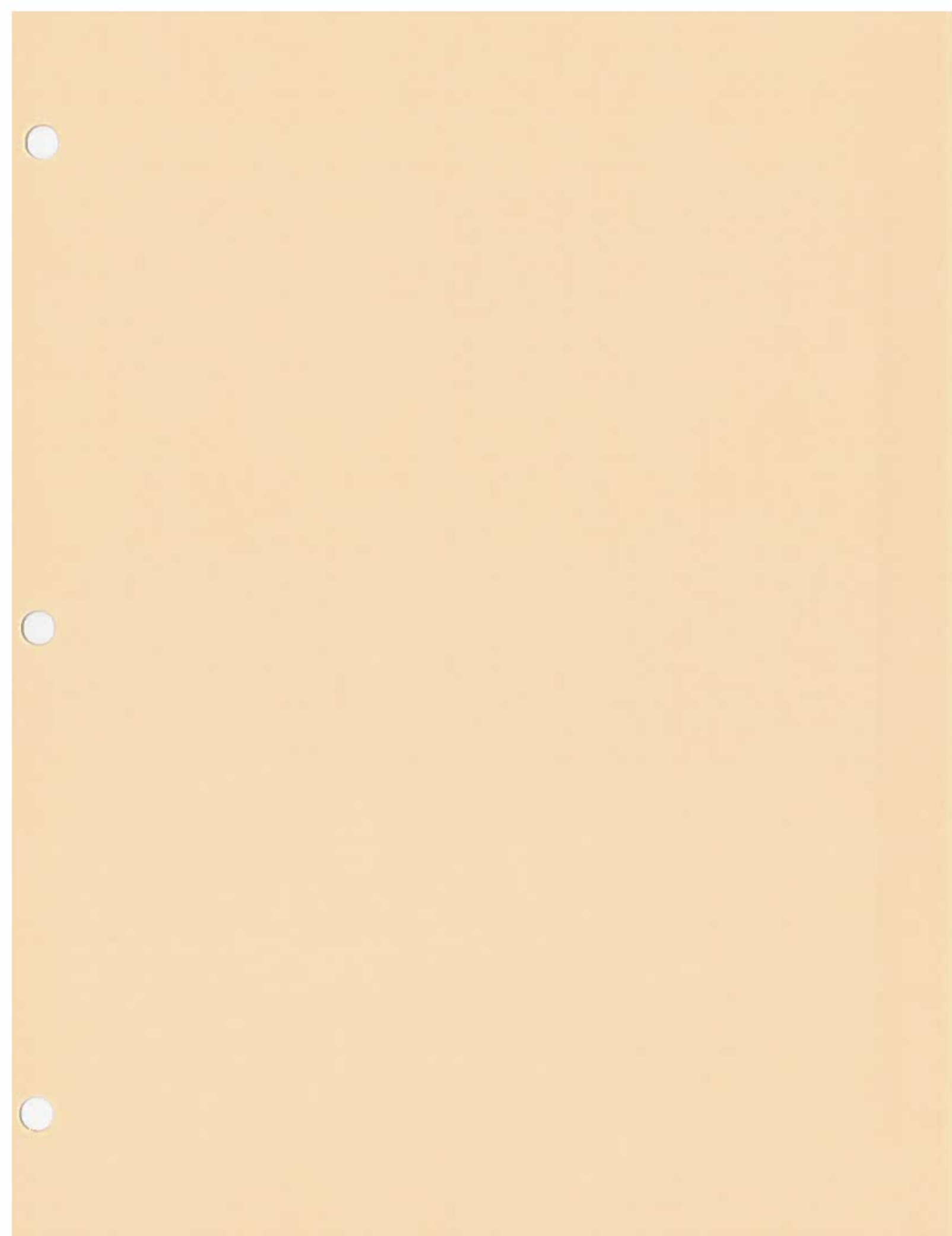
**ADJOURN**

**NEXT BOARD MEETING:** October 3, 2014 at 9:00 a.m.

If you are an individual with a disability who is in need of a reader, amplifier, qualified Sign Language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing of the meeting, please contact the NCRTD Executive Assistant at 505-629-4702 at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

## BCC Approved Cases with Time Sensitive Conditions

[illegible]

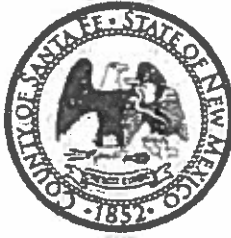




**Daniel W. Mayfield**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**Pablo Sedillo, III**  
Public Safety Director

**To:** Santa Fe County Board of County Commissioners

**From:** Pablo Sedillo, III  
Public Safety Department Director

**Via:** Katherine Miller  
County Manager

**Date:** 9/9/14

**Re:** SFC Public Safety Department Monthly Report for August 2014

The purpose of this memo is to provide you information relative to the SFC Public Safety Department for the month of August 2014.

### **CORRECTIONS DEPARTMENT Adult Detention Facility (ADF)**

- Capital projects completed at the Adult Facility to include; The Shower Project, -the Exterior and Interior Lighting Project.
- Maintenance Supervisor, Thaddeus Chapman joined our team.
- Four (4) Detention Officers began.
- NPR Conference Call with Director Pablo Sedillo III was held on August 18, 2014.
- Attended the ACA Conference in Salt Lake City, Utah August 17 – 21, 2014.
- Attended the Brown Bag Magistrate Court Meeting on August 27, 2014. Judge Segura was complimentary of ADF operations and overall improvement as it relates to Magistrate Court.
- Worked on SCAAP Report on FBI Numbers.
- Meeting was held regarding the Medical Co-pay on August 28, 2014.
- Attended Corrections Advisory Committee Meeting. Due to "realignment", i.e., Mr. Sedillo's guidance, the meeting was the most productive one since the Committee began meeting in June, 2013.
- ADF participated in Zozobra Law Enforcement Operational Plan by having a Booking Unit placed near the venue. One person was booked during the festivities.

### **Electronic Monitoring Program**

- Providing services to 268 clients.
- There were 33 successful releases for August.
- Revenue increased by \$1,999.94.
- Arrests have decreased for August by 14.
- Clients Financial Obligation – Paying - 38%, Waived - 0%, Unemployed - 58%, Out of County - 4%.

- Other Client Data – Arrests – 12, Absconded – 2, Intakes – 60, Releases – 33, Drug Tested – 333, Surety Bonds – 119, Cash Bonds – 57, Municipal Bonds – 58 and Municipal Fees - \$580.00.

## **Youth Development Program (YDP)**

### **Training Hours**

- Total Training hours since July 2014 – 1359
- In-Service Hours – 790

### **New Mexico Association of Counties**

- Conducted training on August 21 – 22 for the Implementation of The Prison Rape Elimination ACT (PREA).

### **Volunteer Orientation**

- Started on August 13, 2014; review of facility protocols and requirements and PREA requirements and reporting procedures for YDP.

### **Sleuth Training**

- Donald P. Dougherty, MS – Trainer conducted training on August 20, 2014. Reviewed Sleuth booking system for YDP and presentation of new Version (10).

### **Special Activities**

- World Literature Today will be placing an article of the Santa Fe County Youth Development Program in their magazine in the November 2014 publication. Marilyse Figueroa who is the reporter for World Literature Today wrote the article regarding our Library and the Poetry Seminars here at YDP.

### **Staff Appreciation**

- Luncheon conducted for staff at YDP on August 25<sup>th</sup> & 29<sup>th</sup>.

### **New Hires/Staffing**

- Life Skill Worker I interviews completed August 12, 2014
  - 12 Applicants
  - 3 applicants selected for the position of Life Skill Worker I
- Shift Supervisor re-posted for YDP
- 1 Position Vacant for the position of Life Skill Worker I
- 2 Staff out on Workers Compensation

### **Volunteer Services**

- **Santa Fe Mountain Center (New Volunteer Group)** - an educational and therapeutic organization that provides experiential and adventure-based programs, such as team building activities. Using elements of adventure, education, and challenge to help participants break through self-limiting beliefs, it helps the juveniles discover their potential and build positive self-identify and resiliency.

### **Girls Inc.**

- Girls Inc. works with girls to be strong, smart, and bold. They conduct hands-on activities that teach them about science, math, life planning, health, leadership, adventure and self-reliance. A Federal Grant was given to Girls Inc. to provide services here at YDP from September 2014 – May 2015. A volunteer group will start group sessions on September 9, 2014.

## **FIRE DEPARTMENT**

Total Emergency Responses – 506

Other Emergency Responses - 204

EMS – 302

### **Operations and Administration**

- Chief Officer meetings with Station crews
- Public Safety Recruitment Day on August 2nd
- Extensive testing and interviews for 5 fire fighter recruit positions – Fire Academy start scheduled for 9/29
- 2 newly licensed paramedics and 2 licensed Intermediates placed into the field
- County Wildland Technicians and Lead positions advertised
- Design work complete on Hondo Station 1 apparatus bay addition and roof. Ready to bid
- La Cienega Fire Station/Library construction completion scheduled for 9/22
- Pojoaque station remodel project design completed. Ready for bid in October
- Glorieta La Joya Station design underway. CDRC in October
- Proceeding on our Fire Year Planning process with career crews, public
- HR supervisory trainings held with career crews
- Final PRC inspection for Medic 52 to become transport capable in the La Puebla District. Fleet now includes 7 Advanced Life Support ambulances and 5 transport capable Intermediate EMT level volunteer ambulances
- SCBA compressors delivered and ready for installation pending electrical work at three Regional Stations
- Auction completed
- 42 fleet repair orders processed and completed
- 6 annual pump tests
- Scope of work out on Madrid fire protection water system improvements engineering

### **Fire Prevention and Wildland**

- Business registrations – 9
- Development Reviews – 20
- Lot line Adjustments/Land Division/Family Transfers – 8
- Burn Permits – 7
- Hydrants tested - 774
- Movie permits processed – 0
- Work Place (County) fire prevention trainings conducted - 1
- Wildland property assessments – 4
- 2 wild land fire training sessions completed for YCC crew
- 2.5 acres fuel mitigation work completed at Little Tesuque Creek
- CFRP project review successfully completed
- CWPP update completed

### **Volunteer Recruitment and Retention**

- New member applications received and approved – 12 (YTD 68)
- East Mountain Interagency Fire Protection Association President work on-going
- SFCFD volunteer opportunities to EMS students at CNM
- Public Safety Recruitment Day
- 5 year Strategic Planning in Pojoaque and Turquoise Trail
- Successfully completed Fire Instructor II at NM Firefighters Training Academy in preparation for start of next Volunteer Fire Academy (9/8/14)

### **Emergency Management**

- Conducted Active Shooter Multiple Casualty Incident Training to northern region career staff
- Attended Albuquerque HAMFEST Education Workshops
- Presented MCI Response in Hostile Environments during NM State Homeland Security Conference
- Participated in Moriarity/Edgewood School District Emergency Response Team Meeting
- Attended US Public Health workshop on health effects of Clan Labs
- Participated in State Strategic National Stockpile Workgroup meeting
- Responded to 7 hour gas leak on Bishops Lodge Road
- Participated in NM Preventative Radiological Nuclear Detection Program tabletop
- Work to maintain Emergency Management organizational readiness

## **RECC**

### **Operations**

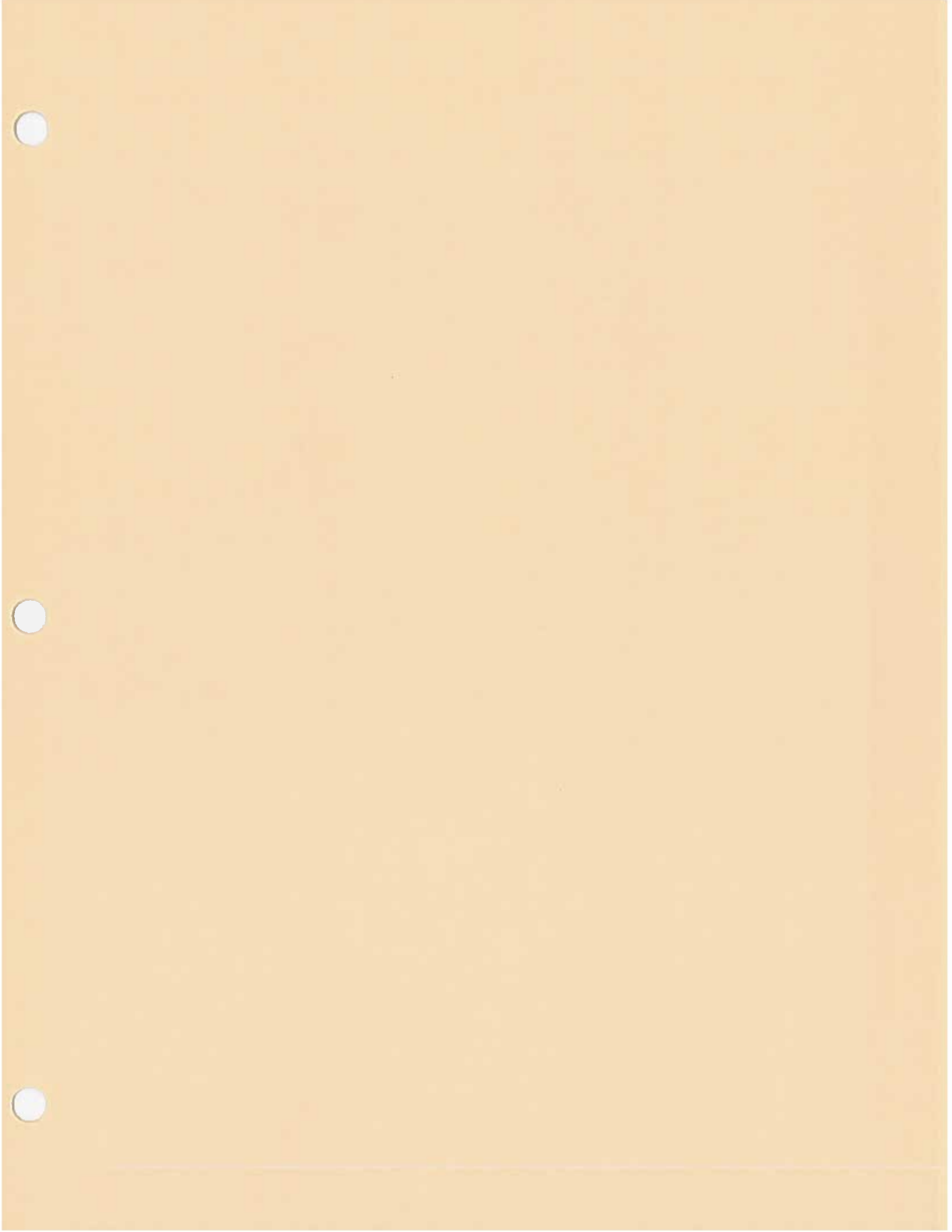
- Total Calls Handled
  - August – 41,808
- 911 calls
  - August – 7,065
- County calls for service
  - August – 8,175
- City calls for service
  - August – 12,109
- Town of Edgewood calls for service
  - August - 565

### **Staffing**

- Current Vacancies
- 4 Call Taker positions
- 7 Trainee positions

If you have any questions, I can be contacted at 992-3092. Thank you.



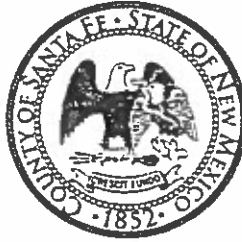




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**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **MEMORANDUM**

**DATE:** *Sept 9, 2014*

**TO:** *Board of County Commissioners*

**VIA:** *Katherine Miller, County Manager*

**FROM:** *Adam Leigland, Public Works Director* *ma/14*

**ITEM AND ISSUE:** *BCC Meeting September 30, 2014*  
*Public Works Monthly Report for September 2014*

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### **DISCUSSION**

#### **Capital Project Delivery**

We are currently managing 84 procurements. Details on 48 of them follow below.

1. **Install Master Meters:** Proposals for the design due September 19, 2014
2. **Quill Water Reclamation Plant – Treatment Improvements:**
  - a. **Electrical System Upgrades:** Projected Completion date of November 14, 2014
  - b. **Design Upgrade Entrance Works Bar screen:** 60% design drawings by October 10, 2014.
  - c. **Design Improvements to Effluent Irrigation System/ Design Improvements to Access Driveways:** 60% design drawings by October 10, 2014.
3. **Design La Cienega Water Line Improvements:** The Project Manager is addressing Easement Issues with the County Hydrologist and a 30% Design Submittal is due by September 22, 2014.
4. **Chupadero Water System Improvements:** Morris Surveying Engineering is coordinating the staking of the existing waterline with the Chupadero Water Users Association.
5. **Public Safety Complex Upgrade Design:** Scope of work has been finalized. Project Manager will set up 2nd meeting with Procurement Manager to establish Procurement Schedule.
6. **Romero Park:** Submitted Development Plan for CDRC approval at the October 16, 2014, meeting. Plan to award the construction contract at the October 28, 2014, BCC meeting.

7. **Santa Fe River Greenway Wayside Exhibits:** Met with the consultant on August 26, 2014, to review comments. The consultant will prepare and submit 90% designs for review in October 2014.
8. **Arroyo Hondo Trail:** Met with Santa Fe MPO staff to review alignment along Richard's Ave. on September 4, 2014.
9. **Mt. Chal:** Plan on submitting the offer packages to BCC Executive Session for approval on September 30, 2014. Anticipate closing by February 2015.
10. **Pojoaque Sports Fields:** The landscape architect submitted 50% construction documents for review September 4, 2014. Plan to award the construction contract in December 2014.
11. **Thornton Ranch Open Space:** The Design team will be conducting site visits in September and October. Met with cultural resources consultant on August 28, 2014. The consultant will submit the Class I report by November 1, 2014, complete the field surveys in October and November, and submit the Preliminary archaeological survey report, Preliminary historic built environment report, Ethnographic summary report, and Draft Petroglyph Hill Management Plan in December.
12. **Agua Fria Monument Sign:** Received the final plans from the Landscape Architect on September 10, 2014. Staff will prepare and submit the development permit application to Building and Development Services by September 19, 2014.
13. **Santa Fe Rail Trail:** Pre-Construction meeting was held September 4, 2014. NTP issued for September 8, 2014. Contract time is 180 days with substantial completion on May 28, 2014.. All of the required NMDOT certifications for Segment 4 are complete (Environmental, Cultural Resources Concurrence, Utilities, Railroad, ITS, ADA and Right of Way). The PS&E Review meeting with NMDOT was held on August 13, 2014. The TAP funding has been reprogrammed to FY 15.
14. **El Camino Real Retracement Trail FLAP project:** The New Mexico Federal Lands Access Program Decision Committee (PDC) accepted the project delivery plan. The County will be receiving a Project Memorandum of Agreement and a Reimbursable Agreement. Once these agreements are executed the federal funding for the project will be formally programmed.
15. **SF River Property Acquisition:** Teng/Levy property acquisitions are to move forward as a Permanent/Exclusive Easement. This will eliminate the need for a lot split. The purchase price and acreage will remain the same. The County will maintain the ability to conduct all construction activities necessary to complete the project. Staff received Offer Packages for Zaporah, Lopez and Paul Padilla on September 12, 2014, from Tierra ROW.
16. **Santa Fe River – San Isidro Repairs:** Staff is submitting an RFQ to Pecos Trail Contractors for the repairs. The quote is due September 15, 2014.

17. **Santa Fe River – Frenchy’s Field to Siler Rd.:** Due to the large number of proposals received by NMED for the River Stewardship Grant, finalists will not be announced until mid-October.
18. **Madrid Oscar Huber Phase 2:** Construction is complete. Staff has received the Architect close-out documents. Architect and staff have approved punch list. Final Approval from CID has been given, staff will close out project.
19. **La Bajada Ranch- Foreman’s House:** Staff has approval Schematic Phase. Design Development Phase drawings are due October 8, 2014.
20. **ADF Sever Rooms:** Contract amendment was approved on September 4, 2014. NTP was issued on September 9, 2014, for additional services. Amended project schedule will be provided as soon as information requested by Conron and Woods Architects and M & E Engineering is provided to them by Corrections IT staff.
21. **ADF Repair/ Replace Front Retaining Wall:** In procurement
22. **ADF Recreation Yard Concrete Floor and Door Replacement:** Morris Surveying Engineering is scheduled for delivery of Details/Specs on September 17, 2014.
23. **ADF Installation of Isolation Valves:** Currently in process of soliciting quotes for professional services to locate waterlines, excavate and install isolation valves.
24. **ADF Upgrade Cooling System For Booking Server Room:** A walk thru to solicit quotes from on-call HVAC contractors is scheduled for 9/18/2014 at the ADF.
25. **ADF Install Sewer Trash Basket :** Staff is developing SOW.
26. **Preliminary Programming Study for Animal Control Facility:** Sheriff’s staff will forward current information to County management for review and comments.
27. **Construct Locker Rooms and Showers at Administration Building:** Meeting with management occurred on 9/12/2014 to review conceptual drawings. Cost projections are between \$200k and \$240 to complete the work.
28. **Glorieta Waterline Project:** The waterline is complete/activated for community use. Final individual water meter installation is on-going in final phase.
29. **Admin Building IT Upgrades:** The installation of the new unit is completed and staff is processing the inclusion of humidity control unit into the final system.
30. **County Road 89 and 89C Drainage and Road Improvements:** Working with Consultant to determine feasible project schedule and budget to complete design for Segment 3 only and get ready for construction bids. Waiting for decision from Pueblo regarding granting of additional road easement needed to finalize plans for Segments 1 & 2. Cultural Resource Study & Report has been approved by SHPO.

31. **TL6S/Lamy Jct Waterline Design:** Appraiser completed appraisal August 16, 2014, and sent to Purchasing for approval from BCC for offer to property owners. Engineering on hold until determination regarding tank location is made.
32. **Eldorado Transfer Station Upgrades:** Retaining wall, ramp, landing and slab completed. Paving contractor on site.
33. **Public Works Fleet Maint. Door Replacement:** Staff met with Fleet staff September 2, 2014, to begin project scope of work & specifications.
34. **Camino Torcido Loop:** Staff met with Mr. and Mrs. Weinberg to discuss them providing Santa Fe County a dedicated drainage easement to help alleviate some of the drainage problems for this road and to incorporate two drainage structures in areas that are currently receiving natural drainage flows. Have instructed consultant to come with some preliminary ideas as to what these structures will look like in order to present to the Weinbergs.
35. **Herrada Road Drainage and Road Improvements:** Construction under way on the western segment of Herrada. PNM and CenturyLink working ahead of the contractor in order to relocate utilities. Base Course placement along the western segment will occur within the next two weeks. Clear and grubbing to begin on the eastern segment of Herrada Road next week.
36. **CR55A General Goodwin Drainage and Road Improvements:** Miller Engineering is scheduled to have the design completed along NM14 by the end of September 12, 2014, with construction drawings completed by the end of October, 2014. A progress meeting is scheduled with Santa Fe County Road Maintenance Manager, NMDOT, and Miller Engineering on September 18, 2014, at the job site.
37. **Old Santa Fe Tail Multi-Modal Road Improvements/TL2N Water Line:** Appraisal packages for both properties are at Legal for review and County Manager/BCC approval to make property owners the offer. Environmental clearance for this project has been completed. Final review drawings scheduled to be delivered on September 12, 2014.
38. **Vista Redonda Drainage and Road Improvements:** Staff met with Vista Redonda representatives to review and discuss Santa Fe Engineering proposal for engineering design requested by the association on September 15, 2014. If approved, these costs will be incorporated into the MOA between Santa Fe County and Vista Redonda Water Association.
39. **CR50A San Jose Road Drainage and Road Improvements:** Cost proposal submitted on September 11, 2014. Currently under review.
40. **Pinon Hills Subdivision All-Weather Crossing:** Cost proposal submitted on September 9, 2014. Currently under review.
41. **Richards Avenue Slip Lane Design –** Design kick off meeting held August 21, 2014. Staff has reviewed the design line items and schedule. Staff provided Santa Fe Engineering with the GIS

Share Data form to obtain LIDAR information on August 22, 2014. Design scheduled to be completed by December 30, 2014.

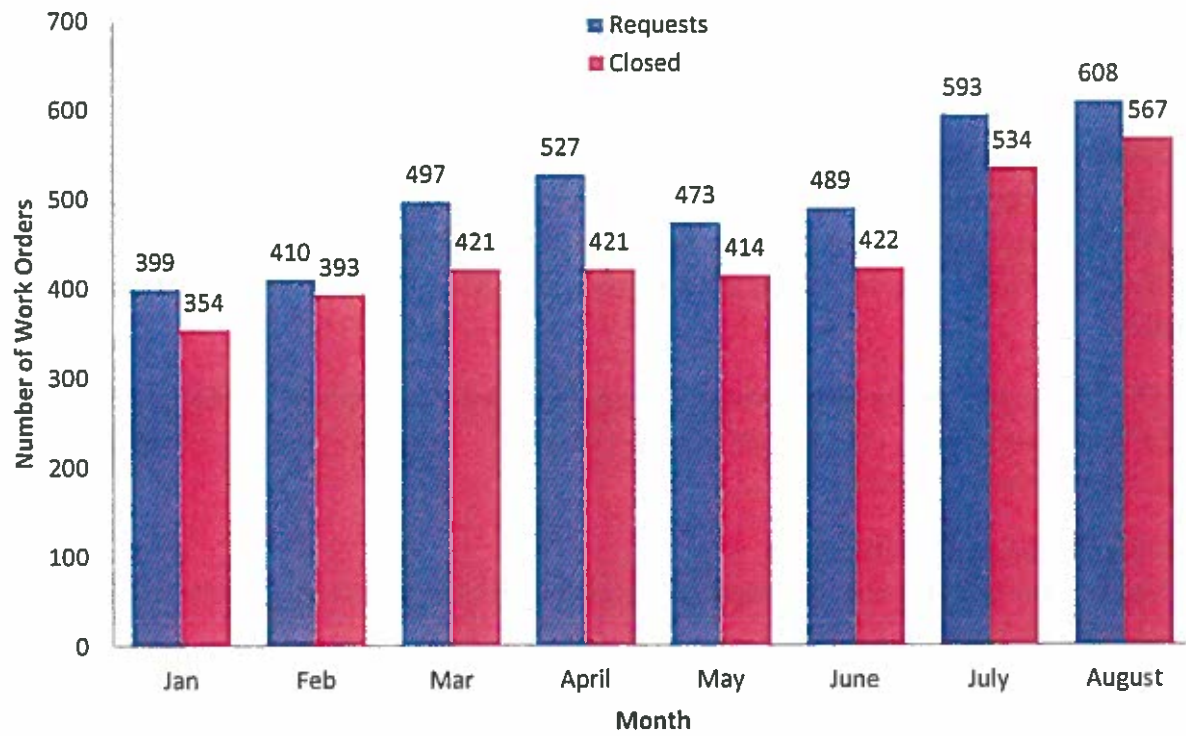
42. **CR84D Drainage Improvements and Paving Design:** Completion date for the drainage study is September 29, 2014.
43. **CR89D Construct Road Shoulders:** Met with prospective contractor (RL Leeder) on August 18, 2014. Bid package to contract for construction services to be submitted to Purchasing on August 19, 2014. Bid package sent to contractor on August 20, 2014. Received bid on August 29, 2014. Bid was submitted to Purchasing on September 11, 2014 to get RL Leeder under contract.
44. **CR109S Drainage Improvements and Paving Design:** Completed meeting with Souder Miller and Associates to discuss scope of work. Proposal received September 2, 2014. Currently under review.
45. **2014 Road Annexation Phase IIA**
  - **County Club Estates Subdivision:** Submitted requisition to Purchasing to get MSCI under contract on September 11, 2014.
  - **Jimenez Subdivision:** Construction to commence on September 22, 2014. Flyers notifying residence of this area about the construction will be distributed on September 16, 2014.
  - **Mutt Nelson Road:** Proposal under review.

Information on all active projects can be found in the attached Table 1: Capital Project Status Update.

#### Operations and Maintenance

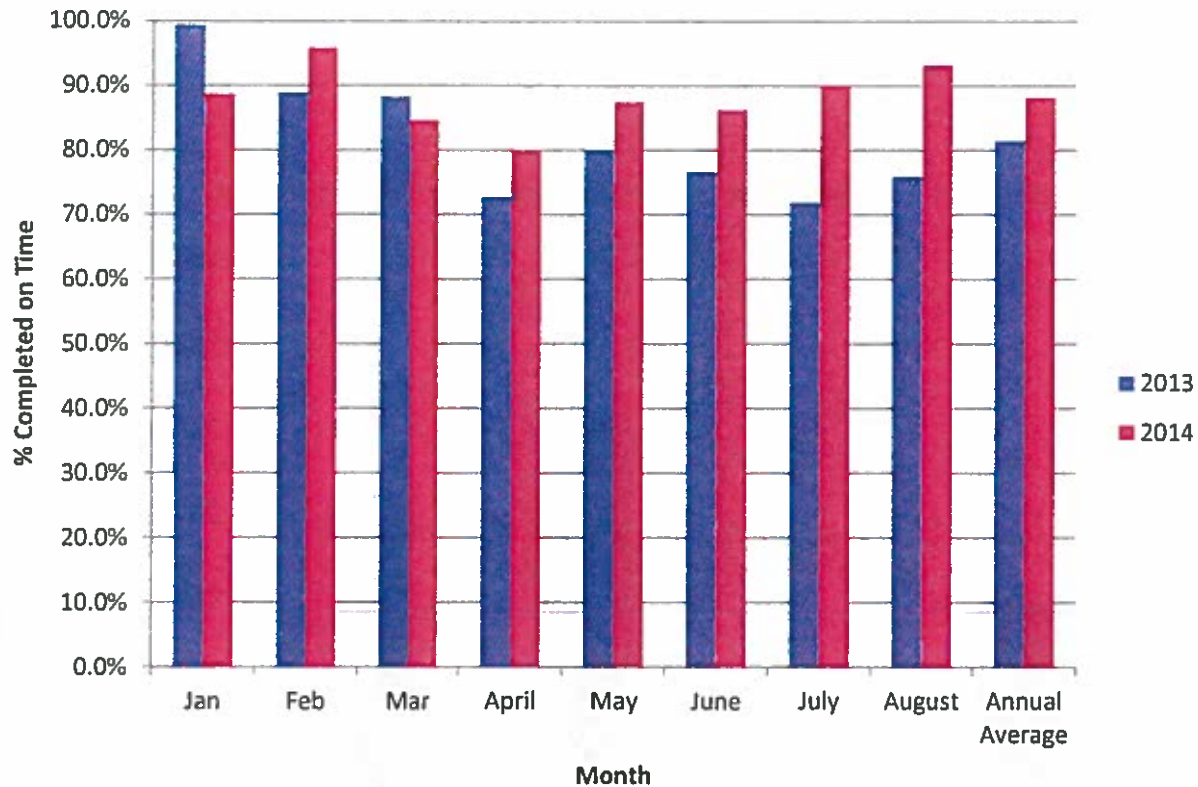
County operation and maintenance forces continue to represent the County well. Work order completion rates by work area for the month of August are shown at Table 2 (attached). The August overall on-time completion rate was the second highest of the calendar year so far, at 93%. Month-to-month and year-to-year work order completion comparisons are shown in the two charts below. The year-to-date average completion rate has climbed to 88%, compared to 82% this time last year. Our goal is 75%.

### Monthly Work Order Completions





### Year-to-year On-time Completion Rates



The road maintenance section chip-sealed over 40 miles of road this season, making huge improvements in the overall condition of the County road inventory. The two tables below illustrate the scope of the improvement: the County-wide PASER average jumped from 6.0 to 6.9, even with a 7% increase in total paved mileage.

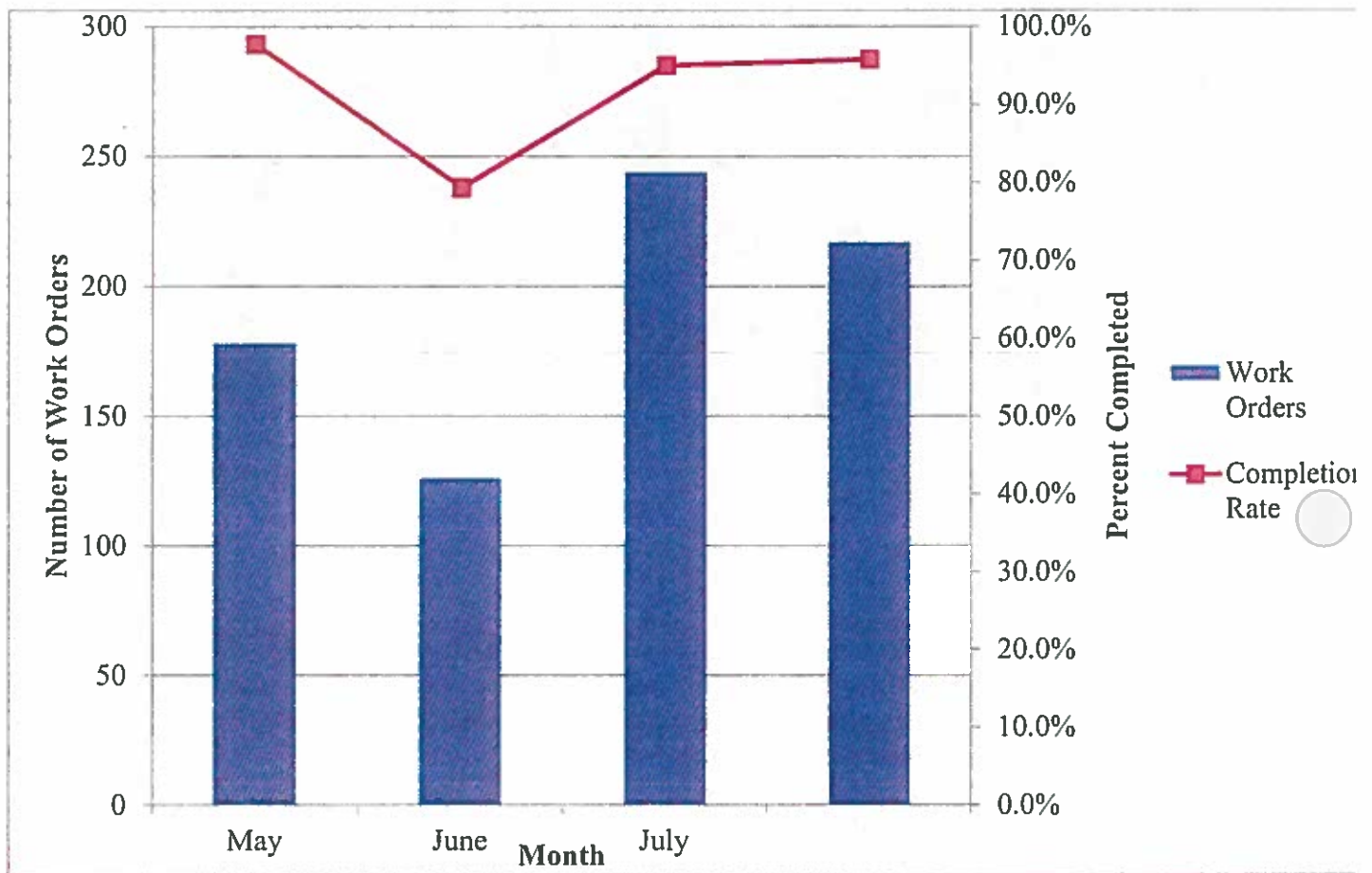
#### Surfaced Road-Miles Per PASER Rating 2011

Paser Rating	10-Excellent	9-Excellent	8-Very Good	7-Good	6-Good	5-Fair	4-Fair	3-Poor	2-Very Poor	1-Failed	Total Miles of Surfaced Rd
Road Miles	7.63	5.87	15.17	64.49	59.82	54.46	19.86	11.75	2.78	0.20	242.03

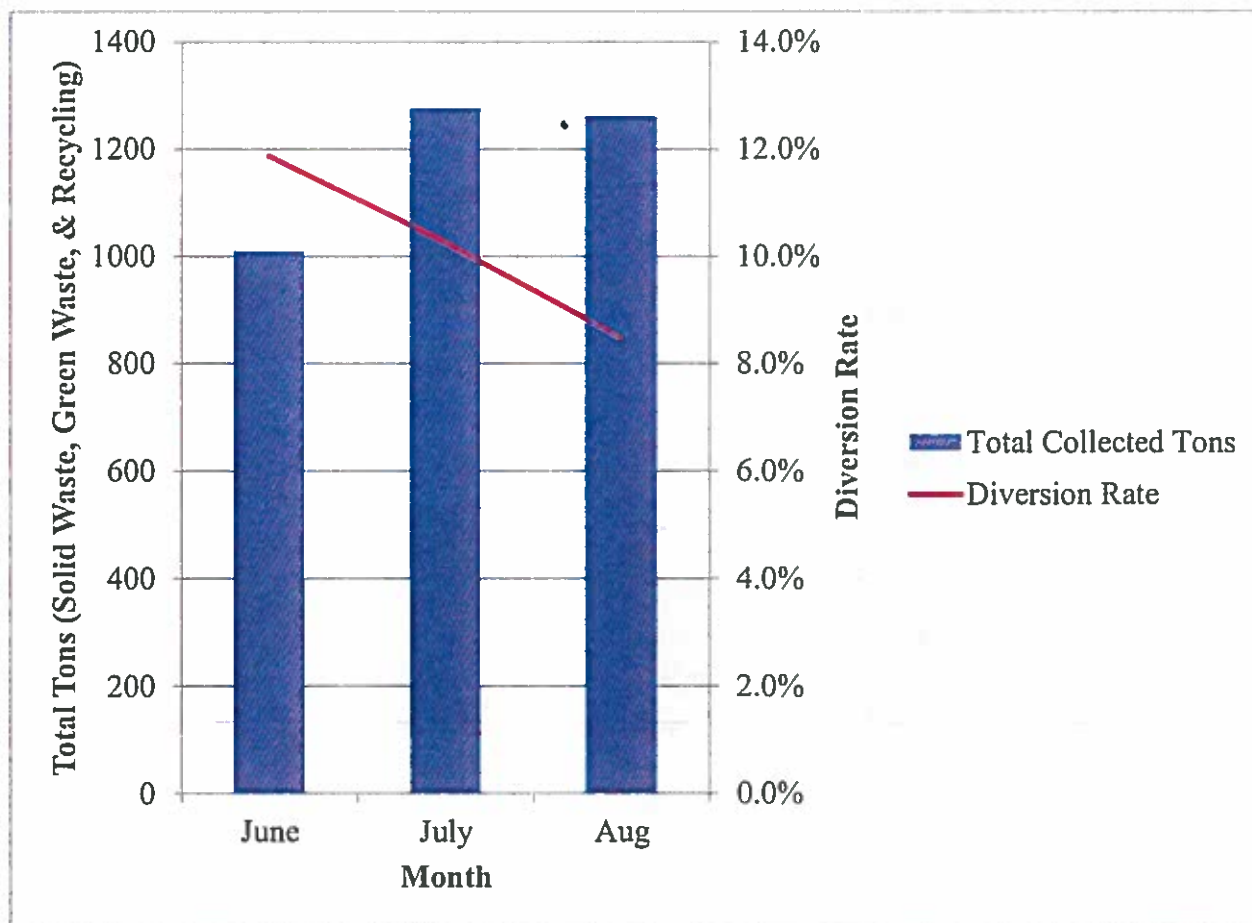
#### Surfaced Road-Miles Per PASER Rating 2014

Paser Rating	10-Excellent	9-Excellent	8-Very Good	7-Good	6-Good	5-Fair	4-Fair	3-Poor	2-Very Poor	1-Failed	Total Miles of Surfaced Rd
Road Miles	20.93	14.90	60.96	61.83	42.32	38.65	18.86	1.56	0.00	0.00	260.01

**Fleet Maintenance:** Fleet maintenance maintained a 94% on-time completion rate.



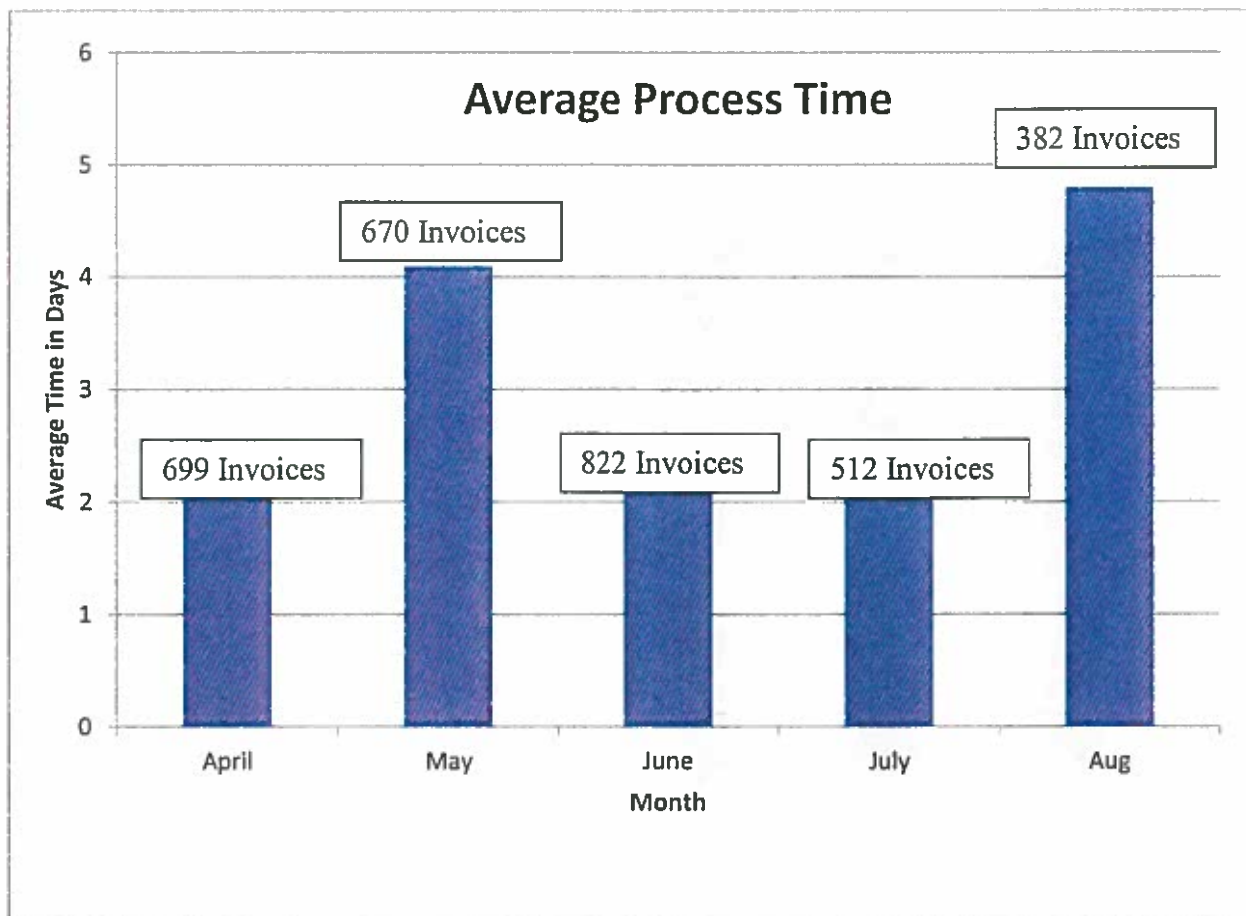
**Solid Waste:** The County's diversion rate (the amount of recycling compared to total material disposed, by weight) dropped to just over 8% in August, as seen in the chart below. This could be due to the large amount of green waste collected, the weight of which is included in the statistic.



Solid waste permits sales continue to lag last year's numbers, as seen in the chart below.

Permit Type	Number Sold in Time Period			
	FY14 Total	FY15 YTD	August CY13	August CY14
24-trip	3,718	685	1,157	252
Senior	1,539	322	475	127
Low Income	90	18	23	5
Bag tags	842	149	98	66
1-trip	987	142	73	75
Commercial	10	2	1	1

**Administration Turn-around Time:** The Public Works Administrative team processed 382 invoices in August, the lowest number this year. The average turn-around time was 4.8 days. One administrative employee was out for extended period in August. The internal goal is 5 days. See chart below.



#### Utilities:

**Aamodt.** The federal court has upheld a previous magistrate court decision to deny the motion to stay the show cause proceedings (opinion attached). As in the earlier decision, the federal court found that the 792 filed objections to the settlement agreement were not germane to the argument.

The Bureau of Reclamation has scheduled a design workshop for October 10, 2014, at Camel Rock Casino, to develop a unified approach to designing the Regional Water System.

#### Committee Meetings:

**BDD Board.** The Board agenda from the September 11, 2014, meeting is attached. The major item on the agenda was the discussion of the amendment to the BDD Facility Operations and Procedures Agreement (FOPA). The FOPA determines, by ownership share, each of the BDD partner's share of O&M costs. Because of the break-up of Las Campanas Limited Partnership into three entities and the County's subsequent acquisition of one of the daughter entity's BDD share, the O&M cost share formula in the FOPA needs updating. The amended FOPA will be brought to the BCC for approval at a future date.

#### **ACTION REQUESTED:**

None; for information only.



Table 1: Capital Project Update

PW ProjectNbr	Project Name	Nature of Procurement	% Comp	District	Project Budget	Current Contract Amount	Estimated Start Date	Estimated Completion Date	Project Manager
1	Install master meters for Utility Department	Design	5	2 5	\$150,000.00			12/19/2014	David Madrid
2	Improvements of trails for the Eldorado Community Improvement Association			5	\$90,000.00				Paul Olafson
3	Evaluation of Heating & Cooling State Health Center,			1 2 3 4 5	\$10,000.00				Paul Olafson David Madrid/Robert George
4	Improve Bulk Water Station	Construction	10	5	\$20,000.00			11/21/2014	George
5	Repair and replace recreation doors and cement on yard floors	Design	15	1 2 3 4 5	\$60,000.00		10/1/2014	10/29/2014	Joseph Martinez
6	Install Sewer Trash Basket Project	Plan		1 2 3 4 5	\$200,000.00				Joseph Martinez
7	Design and Construct El Camino Real Buckman Road Segment Retracement								
7	Trail	Other	2	2	\$10,000.00	\$10,000.00	1/1/2015	5/31/2017	Colleen Baker
8	Install Cistern/connection for Youth Shelters	Other	0	3	\$12,000.00			12/12/2014	Ron Sandoval
9	Install Cooling System for Innate Phones in Booking Unit (ADF-3)	Design		1 2 3 4 5	\$40,000.00			1/31/2015	Joseph Martinez
10	Jacora - Northern Santa Fe County Solid Waste Convenience Center	Design	0	1	\$268,498.00		9/15/2014	12/26/2014	Scott Rivers
11	Construct ADA Accessibility from Rodeo Road to Fair Grounds Building(s)	Design	15	1 2 3 4 5	\$30,000.00		10/1/2014	12/31/2014	Joseph Martinez
12	Design UDV Waterline Phase 1								Scott Rivers
13	Construct locker room at Administration Building	Design	15	1 2 3 4 5	\$90,000.00			12/31/2014	Joseph Martinez
14	Replace and Repair Brick Retaining Wall at ADF	Design	0	1 2 3 4 5	\$30,000.00		5/7/2014	12/31/2014	Joseph Martinez
15	Installation of Isolation Valves for Fire Suppression Lines (ADF-1)	Plan		1 2 3 4 5	\$30,000.00			12/31/2014	Joseph Martinez
16	Install Furniture at Ken and Patty Adams Senior Center the new addition	Other	0	5	\$50,000.00		11/21/2014	4/30/2015	Ron Sandoval
17	Replace Existing Bi Fold Doors in Fleet Maintenance Building	Construction		1 2 3 4 5	\$115,000.00				Scott W. Rivers
18	Replace Existing Roof at County Administration Building			1 2 3 4 5	\$160,000.00				PJ Montano
19	Replace Existing Roof at Namba Community Senior Center			1	\$20,000.00				PJ Montano
20	Replace Existing Roof at Vista Grande Library	Construction	0	5	\$25,000.00			12/19/2014	Ron Sandoval
21	Perform design an all weather crossing for Pinon Hills Subdivision in SFC	Design	0	2	\$50,000.00		7/7/2014	1/30/2015	Chuck Vigil

Capital Project Status Update (As of 9/16/2014 9:31:17 AM)

Page 2 of 8

# SANTA FE COUNTY

## Capital Project Status Update (As of 9/16/2014 9:31:17 AM)

51	6181	NE-SE Connectors Location Study CR 55A General Goovin Rd Design	Plan	65	5	\$500,000.00	\$454,133.49	2/4/2013	3/13/2015	Chuck Vigil
52	6182	Upgrade Torcido Loop - Design/Archaeological Survey	Design	50	3	\$100,000.00	\$30,357.55	9/23/2013	9/26/2014	Chuck Vigil
53	6183	Herrada Road Paving and Drainage Construction	Design	30	3	\$48,683.69	\$48,683.69	7/18/2013	9/26/2014	Chuck Vigil
54	6184	Visita Rendonda Drainage and Road Paving Design	Construction	10	5	\$874,000.00		7/14/2014	10/30/2014	Chuck Vigil
55	6197	Programming for Drainage and Roadway Improvements on County Road 89.	Design	60	1	\$120,000.00	\$90,590.78	12/16/2013	7/25/2014	Chuck Vigil
56	6198	Programming for Drainage and Roadway Improvements on County Road 89 C	Design	90	1	\$55,000.00	\$28,970.77	2/12/2014	7/30/2014	Scott W. Rivers
57	6199	Design drainage and roadway Improvements on County Road 84 D	Design	90	1	\$35,000.00	\$17,980.52	3/28/2014	7/30/2014	Scott W. Rivers
58	6202	Design and construct drainage and pavement improvements for County Road 109 S	Design	20	1	\$80,000.00	\$39,526.54	5/21/2014	12/25/2014	Chuck Vigil
59	6204	Construct Pavement improvements for bike lanes on County Road 89 D	Design	5	1	\$260,000.00		2/26/2014	9/30/2014	Chuck Vigil
60	6205	Upgrade Spruce Road Improvements Upgrade Race Track Subdivision Chip Seal	Construction	10	1	\$170,000.00		4/16/2014	8/1/2014	Chuck Vigil
61	6206	Public Works Programming & Master Plan	Plan	100	1 2 3 4 5	\$25,000.00	\$18,932.81	2/28/2014	6/30/2014	Chuck/ Chuck/
62	6207	Upgrade Rancho Alegre's Subdivision Road up	Plan	10	3	\$264,335.00		9/28/2012	3/29/2015	Paul Olafson Diego Gomez/Robert Martinez
63	6208	La Bajada Ranch Planning, Programming, & Design	Other	80	2	\$84,841.50	\$76,398.38	7/1/2012	9/30/2015	Mark Hogan
64	6209	Improve Rio En Medio Senior Center Santa Fe River Greenway: Wayside Exhibit Planning, Design, Fabrication Design and Construct Stanley Community Wellness Center Phase 2	Design	10	3	\$50,000.00	\$59,503.13	9/2/2013	12/30/2014	Colleen Baker
65	7006	Highway 14 Senior/Community Center District Attorney Complex Energy & Accessibility Upgrades	Acquisition	10	3	\$350,000.00		11/5/2012	5/1/2014	David Padilla
66	7118	Admin Building Computer & Communications Room	Design	70		\$850,000.00			10/31/2014	Agnes Leyba-Cruz
67	7120	Arroyo Hondo Trail	Construction	99	1 2 3 4 5	\$275,000.00	\$52,285.73	3/31/2014	7/31/2014	Paul Olafson
68	7121	Mt. Chalcihuitl	Design	22	5	\$470,572.00	\$442,524.00	12/13/2012	6/30/2015	Colleen Baker
69	7122	Santa Fe Rail Trail	Acquisition	40	3	\$988,499.00	\$52,859.35	8/1/2012	12/31/2014	Colleen Baker
70	7123	Santa Fe River Greenway Engineering Design Services	Construction	9	4, 5	\$1,476,900.00	\$1,148,870.77	9/15/2014	7/31/2015	Scott W. Rivers
71	7124	Santa Fe River Greenway Acquisition Santa Fe River Greenway: Frenchy's Field to Siler Rd.	Design	88	2	\$412,725.85	\$340,633.57	10/3/2012	12/31/2014	Scott Kaseman
72	7701		Acquisition	32	2	\$1,814,850.60	\$531,756.83	10/9/2012	3/31/2015	Scott Kaseman
73	7706		Archaeology	100	2	\$59,406.47	\$59,406.47	3/1/2009	9/26/2014	Scott Kaseman

**SANTA CRUZ COUNTY**  
Capital Project Status Update (As of 9/16/2014 9:31:17 AM)

78	7711	Thomson Ranch Open Space	Plan	15	3	\$200,000.00	\$200,000.00	3/3/2014	7/30/2015	Colleen Baker
79	7723	Nambe Community Center, Park and Head Start Site Improvements	Construction	100	1	\$354,065.00	\$333,310.76	2/27/2014	7/15/2014	Scott W. Rivers
80	7732	Agua Fria Monument Signs	Construction	11	2	\$83,846.00	\$72,543.01	4/21/2014	9/30/2014	Colleen Baker
81	8008	La Cienega Fire Station No. 2 Apparatus bay expansion and Library remodel.	Construction	70	3	\$494,091.00	\$433,057.50	3/24/2014	9/30/2014	Ron Sandoval
82	8009	Gionela Fire Station #2 - New Construction	Design	60	4	\$50,000.00	\$72,240.00	5/16/2014	9/30/2014	Ron Sandoval
83	8010	Pojoaque Fire Station - Interior Remodel Volunteer Side	Design	80	1	\$181,470.00	\$22,204.75	3/24/2014	8/8/2014	Ron Sandoval
84	9692	CR67F La Barbara Drainage and Road Paving Design	Design	35	4	\$180,000.00	\$16,197.08	12/16/2013	11/28/2014	Chuck Vigil



Table 2: August 2014 Work Order Report

## Property Control

COMM. DIST.	REQUESTS	ISSUED	WORK ORDER CLOSED	WORK ORDER ISSUE ASSESSED ON TIME
1	9	9	6	8
2	7	7	4	7
3	7	7	3	7
4	14	14	12	13
5	25	25	21	24
All	77	76	63	69
TOTAL	139	138	109	128
		99.28%	78.42%	92%

## loads

COMM. DIST.	Overall WO's from public & staff	Overall WO Issued from public & staff	Overall WO Closed from public & staff	Request from public only	On-time request from public only
1	56	56	49	38	33
2	12	12	11	9	8
3	42	42	38	26	22
4	60	60	59	3	2
5	19	19	15	17	13
All	11	11	10	2	1
TOTAL	200	200	182	95	79
		100.00%	91.00%		83%

## Building Services

COMM. DIST.	REQUESTS	ISSUED	WORK ORDER CLOSED	WORK ORDER ISSUE ASSESSED ON TIME
1	6	6	6	6
2	1	1	1	1
3	2	2	2	2
4	2	1	1	1
5	4	4	3	4
All	29	29	21	26
TOTAL	44	43	34	40
		97.73%	77.27%	91%

## Open Space

COMM. DIST.	REQUESTS	ISSUED	WORK ORDER CLOSED	WORK ORDER ISSUE ASSESSED ON TIME
1	42	42	42	42
2	25	25	25	25
3	20	20	20	20
4	14	14	14	14
5	15	15	13	15
All	20	20	20	20
TOTAL	136	136	134	136
		100.00%	98.53%	100%

**Traffic**

	Overall WO's from public & staff	Overall WO Issued from public & staff	Overall WO Closed from public & staff	Request from public only	On-time request from public only
COMM. DIST.					
1	14	14	10	3	3
2	5	5	5	1	1
3	39	39	38	3	2
4	4	4	2	0	0
5	19	19	19	5	5
All	8	8	7	0	0
TOTAL	89	89	81	12	11
		100.00%	91.01%		91.67%

**Fleet**

	WORK ORDER REQUESTS	WORK ORDERS CLOSED	WORK ORDERS SENT OUT FOR REPAIRS	
Light Duty	165	160	4	
Heavy Equip.	52	48	2	
Autobody	13	10	0	
TOTAL	230	218	6	
		94.78%	2.61%	



CITY CLERK'S OFFICE

9.3.14 10:10am

BY *[Signature]*  
Carmelina Spears

## AGENDA

The City of Santa Fe  
And  
Santa Fe County

**Buckman Direct Diversion Board Meeting**

**THURSDAY, SEPTEMBER 11, 2014**

**4:30 PM**

**CITY HALL**

**CITY COUNCIL CHAMBERS**

**200 LINCOLN**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE AUGUST 7, 2014  
BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF
7. REPORT ON SEPTEMBER 4, 2014 FISCAL SERVICES AUDIT  
COMMITTEE

### **INFORMATIONAL ITEM**

8. Update on LANL MOU Early Notification System. (Shannon Jones/Kyle Harwood/NNSA/DOE) **VERBAL**
9. Informational Update on Financial Statements and report of final construction costs of the Buckman Direct Diversion Project. (Mackie Romero)
10. PNM Fuel Cost Adjustment for FY 2014/2015. (Shannon Jones)
11. Status update on BDD habitat restoration project. (Rick Carpenter, Todd Caplan)
12. Update on Santa Fe Municipal Watershed Management Program. (Alan Hook)

### **CONSENT AGENDA**

13. Monthly Update on BDD operations. (Michael Dozier)
14. Drought, Monsoon and Water Resource Management Update. (Rick Carpenter)

### **DISCUSSION AND ACTION ITEMS**

15. Request for approval of Amendment No. 1 to the Facility Operations and Procedures Agreement to the BDD Partners. (Mackie Romero and Nancy Long)
16. Request for approval of annual contract with the United States Forest Service (USFS) in the amount not to exceed \$45,000.00. (Shannon Jones/Rick Carpenter)

### **MATTERS FROM THE PUBLIC**

### **MATTERS FROM THE BOARD**

**NEXT MEETING: October 2, 2014**

### **ADJOURN**

**PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS,  
CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5)  
WORKING DAYS PRIOR TO THE MEETING DATE.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,

v.

No. 66cv06639 WJ/WPL

R. LEE AAMODT *et al.*,

Defendants,

and

UNITED STATES OF AMERICA,  
PUEBLO DE NAMBÉ,  
PUEBLO DE POJOAQUE,  
PUEBLO DE SAN ILDEFONSO,  
and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention.

**MEMORANDUM OPINION AND ORDER OVERRULING OBJECTION TO  
MAGISTRATE JUDGE'S ORDER DENYING MOTION FOR PARTIAL STAY**

**THIS MATTER** comes before the Court on the Atencio Group's Objection to Order Denying Motion for Partial Stay Nunc Pro Tunc (Doc. 9493, filed July 21, 2014). For the reasons stated below, the Court **OVERRULES** the Objection.

**Background**

On December 8, 2010, the Aamodt Litigation Settlement Act was enacted. Pub. L. No. 111-291 §§ 601 *et seq.*, 124 Stat. 3134. The Settlement Act authorizes the Settlement Agreement on the condition that the Court approves a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and a final decree that sets forth the water rights for all parties to this case by September 15, 2017. Settlement Act §§ 621(a) and 623(a)(2)(G) and (H).

On December 6, 2013, the Court entered an order to show cause why the Court should

not approve the Settlement Agreement. (Doc. 8035). Parties objecting to approval of the Settlement Agreement must “demonstrate that adoption and implementation of the Settlement Agreement and entry of the Partial Final Decree and Interim Administrative Order are not fair, adequate, reasonable, are not in the public interest, or are not consistent with applicable law.” (Procedural Order at 5, Doc. 7310, filed February 9, 2011). The deadline for objections was April 7, 2014. Over 700 objections have been filed.

Defendants asked the Court to stay proceedings until the following documents regarding the Settlement Agreement are provided:

(i) The Joint Powers Agreement, including the authority and rules of operation of the County Water Authority;

(ii) The Water Master Rules required by Section 5.3 of the Settlement Agreement;

(iii) The Operating Agreement required by Section 612 Settlement Act;

(iv) The Environmental Impact Statement Published Record of Decision as required by Section 616 of the Settlement Act, including the engineering design of the Regional Water System; and,

(v) The easements required for the Regional Water System.

(Doc. 8336, filed March 31, 2014). Defendants argued that because the requested documents are not available, there is a “risk of erroneous deprivation of water rights,” and made the conclusory allegation that approval of the Settlement Agreement could “potentially result in the loss of water rights and the loss of rights and immunities guaranteed by state law, depending on how the relevant agreements, rules, and reports are drafted and how the system is designed.” (Motion at 7, 9).

The Magistrate Judge’s Order denying the motion for a temporary stay noted that

“Section 3 of the Settlement Agreement sets forth the non-Pueblo water rights. Defendants do not identify any provisions in the Settlement Agreement or the Settlement Act which would provide for deprivation of the water rights set forth in the Settlement Agreement based on provisions in the requested documents.” (Doc. 9473 at 3-4). The Magistrate Judge denied the motion for a temporary stay “[b]ecause Defendants have not shown that the requested documents are relevant to the determination of whether the Settlement Agreement is fair, adequate, reasonable, in the public interest, or consistent with applicable law.” (*Id.* at 4).

#### **Objection to Magistrate Judge’s Order**

The Atencio Group objects to the Magistrate Judge’s Order denying their motion for a partial stay, and asks the District Court to reverse the Magistrate Judge’s Order and grant the motion for a partial stay. (Objection at 16). “Under 28 U.S.C. § 636(b)(1)(A) the district court must defer to the magistrate judge’s ruling on nondispositive matters unless the ruling is clearly erroneous or contrary to the law. That is, the district court must affirm unless on the entire evidence [it] is left with the definite and firm conviction that a mistake has been committed.” *Riviera Drilling and Exploration Co. v. Gunnison Energy Corp.*, 412 Fed.Appx. 89, 92-93 (10th Cir. 2011) (internal quotation marks and citations omitted).

The Atencio Group argues that the requested documents are relevant to determining whether the Settlement Agreement is fair, reasonable, adequate, in the public’s interest and consistent with applicable law because their water rights will be directly affected by the rules in those documents. (Objection at 4-11). The Atencio Group asserts that “[o]nce the settlement agreement is approved, the Plaintiff Parties can draft all rules, regulations and procedures to their total benefit and with no duty to be fair to non-Indians or to be mindful of the non-Indians’ rights, and the non-Indians will no longer be able to object.” (Objection at 6-7). The Atencio

Group also asserts that they will be excluded from the rule-making process. (Objection at 5, 7).

In its Response, the State notes that “[t]he public, including objectors to the Settlement, will have full opportunity to participate in the promulgation of the water master rules, the [Environmental Impact Statement], the [Joint Powers Agreement], and the Operating Agreement through the public processes already required by law.” (Doc. 9505 at 4-6). In their Response, the United States and the Pueblos of Nambé, San Ildefonso, Pojoaque and Tesuque also assert that the development of the requested documents will allow for public participation and review. (Doc. 9501 at 8-9). In its Reply, the Atencio Group states that “there is a strong probability that the Plaintiff parties will draft the subject rules and agreements arbitrarily to their benefit leaving Objectors powerless to amend the Settlement Agreement,” and cites Section 5.3 of the Settlement Agreement which states the “State Engineer shall then promulgate the proposed rules pursuant to NMSA 1978 § 72-2-8, prior to entry of the Final Decree.” (Doc. 9512). NMSA 1978 § 72-2-8 provides that to be effective, a regulation shall first be issued as a proposed regulation, made available for public inspection and published in not less than five newspapers of general circulation in the state, after which there will be a hearing “and any person who is or may be affected by the proposed regulation or code may appear and testify.” The Atencio Group does not provide any legal authority disputing the assertions by the State, the United States and the Pueblos that the public will have the opportunity to participate in the development of the requested documents. (Doc. 9512).

The Atencio Group also contends that “the filing of objections to the settlement agreement by 792 objectors creates a de facto requirement that the regional water system be feasible and a real possibility.” (Objection at 11-12). They argue that their decision on whether to accept the settlement agreement “turns on the feasibility of the regional water system.” While



the feasibility of the regional water system may factor into some of the claimants' decision whether to accept the Settlement Agreement at this point in time, feasibility is not one of the criteria relevant to the approval of the Settlement Agreement; those criteria being whether "adoption and implementation of the Settlement Agreement and entry of the Partial Final Decree and Interim Administrative Order are not fair, adequate, reasonable, are not in the public interest, or are not consistent with applicable law." (Doc. 7310). Furthermore, as noted in the Magistrate Judge's Order denying the motion for a partial stay of proceedings, if the regional water system is not substantially complete by June 2024, the Settlement Agreement will no longer be effective.

The Atencio Group also contends that denial of the requested documents is not in the public interest because "[n]ot having the rules available before deciding whether to participate in the regional water system encourages nonparticipation." (Objection at 12). The Atencio Group then suggests that the Magistrate Judge's ruling does not foster judicial efficiency and is not consistent with the general policy of encouraging settlement. The Court disagrees. The Settlement Act provides that if the Court does not approve the final decree in this case by September 15, 2017, the Settlement Agreement will no longer be effective. Granting the motion for a partial stay until the requested documents are available would likely delay the entry of the final decree beyond September 15, 2017, and, therefore, could jeopardize the settlement.

The Atencio Group's final argument, that the "Requested Documents Are Not Consistent With the Applicable Law," is meritless on its face because the requested documents do not yet exist. (Objection at 13-15). Much of their final argument asserts that the Settlement Agreement is not consistent with applicable law, an assertion that may be appropriate for an objection to Court approval of the Settlement Agreement, but which is not relevant for determining whether the Magistrate Judge's ruling denying the motion for a partial stay is clearly erroneous.

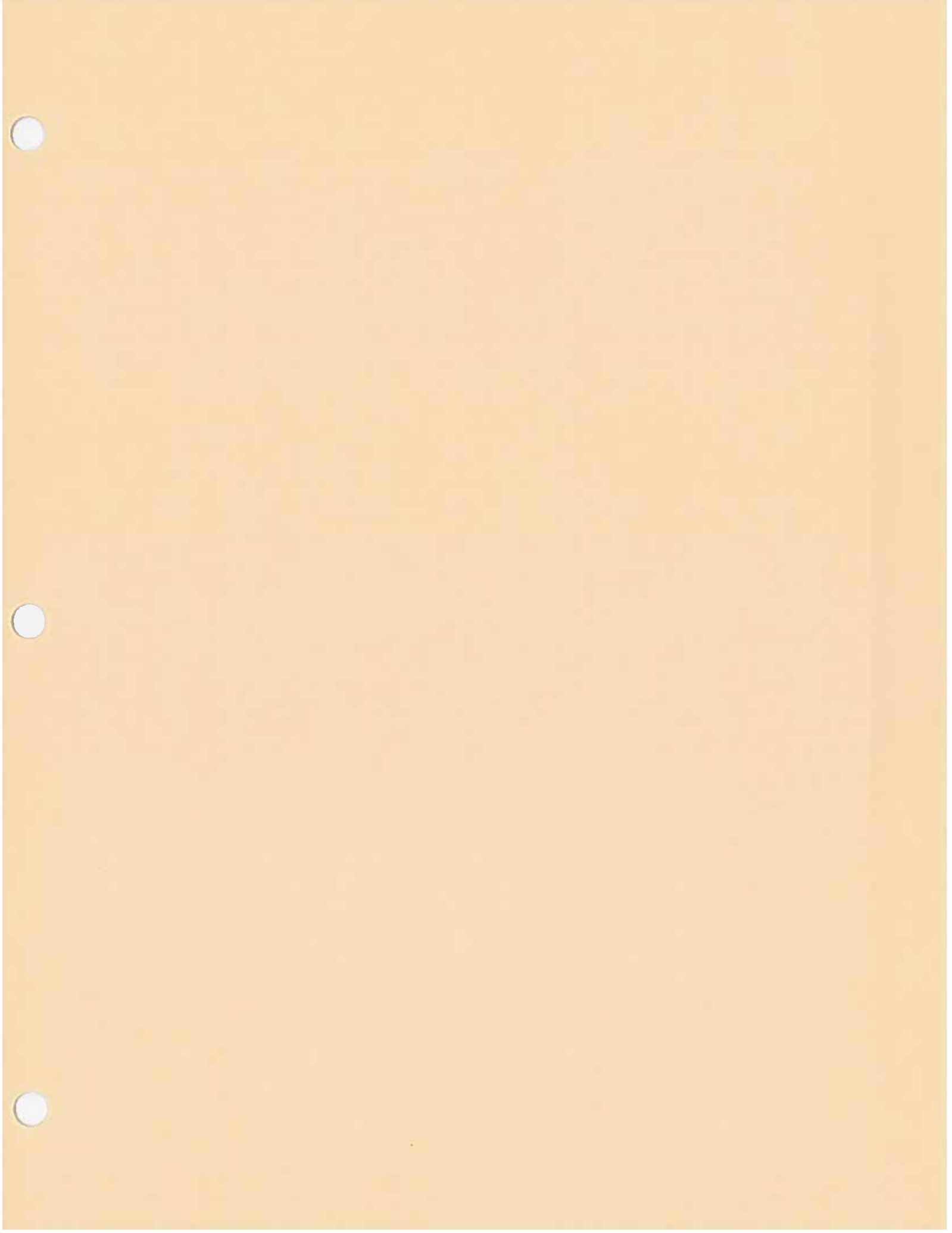
The Court concludes that the Magistrate Judge's Order denying the motion for a partial stay is not clearly erroneous or contrary to applicable law and, therefore, must defer to the Magistrate Judge's ruling.

**THEREFORE, IT IS ORDERED** that the Atencio Group's Objection to Order Denying Motion for Partial Stay Nunc Pro Tunc (Doc. 9493, filed July 21, 2014) is **OVERRULED**.

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UNITED STATES DISTRICT JUDGE





**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*




**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **MEMORANDUM**

To: Board of County Commissioners

Via: Katherine Miller, County Manager  
Bernadette Salazar, Human Resources Director 

Date: September 18, 2014

Re: HR Monthly Report August 2014

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### **Issue:**

The HR Division provides the Santa Fe County Board of County Commission with a monthly report regarding highlighted HR information and events.

### **Background:**

The purpose of this memo is to provide you with information relative to various HR functions and statistics for the month of August 2014. Throughout the month of August, HR coordinated/ conducted twenty-two training sessions. Three-hundred thirty-eight employees attended these training sessions. During the month of August, HR received four applications for tuition assistance and 100% of applications received were approved for a total of \$1,522.00. This is a great program that provides a supportive environment for employees to obtain a job related degree. Also in August HR supported 151 New Mexico Edge classes for 21 Santa Fe County employees. This resulted in a total of \$7,700.00 of financial support for New Mexico Edge courses not inclusive of per diem costs. This is another great opportunity for employees to attend courses specifically related to their jobs as local government employees and also provides them with the resources to obtain nationally recognized certifications.

On August 2, 2014 we held our third annual Santa Fe County Public Safety Day. HR and staff from our Public Safety Department to include the Fire and Corrections Department, Regional Emergency Communications Center and our Sheriff's Office were present to talk to members of our community about public safety job opportunities and to answer questions from the community. There was practice written tests available for individuals to take for Fire and Corrections Department positions as well as Sheriff's Office positions. Members of our community were also provided the opportunity to take practice physical agility tests for these positions. These practice tests give potential applicants a good idea of what to expect during the recruitment process. During this event, the Sheriff's Office displayed their SWAT truck and the Fire Department displayed an ambulance and fire engine as well as their smoke house. The location was changed this year from the SFC Extension Building to Sam's Club. We saw an approximate increase of 80% in the number

of attendees for this event compared to last year. Posters and flyers were distributed throughout Santa Fe County. They were posted on the SFC Facebook page, Twitter, SFC internal and external websites, at county buildings, local restaurants, gyms, community centers, Craigslist, Churches and information was posted on the local television channel community event pages for channels 4, 7 and 13. RECC and the Sheriff's Office were on Radio Que Suave to talk about the event and Santa Fe County public safety job opportunities. This was a great success and HR would like to thank the employees who put this together to include Andria Duran, Dana Budagher, Diego Lucero, Mike Jaffa, Vanessa Marquez, Randy Vallejos, Ignacio Dominguez, Amanda Gonzales, Kristine Mihelcic, GIS employees, and all other employees who assisted in making this event a success!

Lastly, Santa Fe County employees completed the ten week Health and Wellness Fitness Challenge with great success! We went through the program with approximately 130 participating employees. This resulted in over 20,000 minutes of exercise in a ten week period! This also resulted in community service events such as providing over 210 food items to the Food Depot and employees having healthy group meals and snacks. The first place winners were the Cardio-Graphies from our GIS division with a total of 2,663 points. Employees really enjoyed this event and have reported that they will continue their healthy habits to include team sponsored snacks and meals and exercising with the support of co-workers. We are exploring the options of conducting a fall fitness challenge in the near future and will keep you posted.

Attached are the HR Statistics Report, the New Hire Report and the Labor Statistics Report for August 2014 and the list of Years of Service for Santa Fe County Employees for September 2014. If you have any questions, I can be contacted at 992-9886. Thank you.

**SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF  
AUGUST 2014**

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employments	Total separations
MANAGER'S OFFICE	01-COUNTY MANAGER ADMINIS.	9		9				9		
	02-COMMISSION	4		4	5		1	5		1
	15-HUMAN RESOURCES	10		10			1	11		
	21-FINANCE	22		22			2	24	1	1
<b>CMO TOTAL</b>		<b>45</b>		<b>45</b>	<b>5</b>		<b>4</b>	<b>49</b>	<b>1</b>	<b>2</b>
	01-LEGAL ADMINISTRATION	7		7			2	9	1	
<b>LEGAL TOTAL</b>		<b>7</b>		<b>7</b>			<b>2</b>	<b>9</b>	<b>1</b>	
SERVICES DEPARTMENT	00-ADMINISTRATION	3		3				3		
	02-INFORMATION TECHNOLOGY	14	1	13			3	17		
	12-PURCHASING	7		7				7		
	16-MAIL ROOM	1		1				1		
	17-RISK MANAGEMENT	3		3				3		
<b>ASD TOTAL</b>		<b>28</b>	<b>1</b>	<b>27</b>			<b>3</b>	<b>31</b>		
SERVICES DEPARTMENT	01-ADMINISTRATION	3		3				3		
	20-INDIGENT HOSPITAL FUND	2		2			1	3		
	21-EMS-HEALTH CARE	3		3				3		
	74-MOBILE HEALTH FAIR VAN	4	1	3			1	5	1	
<b>TOTAL</b>		<b>12</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>14</b>	<b>1</b>	<b>0</b>
	04-DWI LOCAL	7		7			1	8		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>8</b>	<b>0</b>	<b>0</b>
	09-DWI TEEN COURT	3		3				3		
<b>TOTAL</b>		<b>3</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>
	89-SENIOR PROGRAMS - ADMIN.	11		11			2	13		
	90-SR SVCS-CONGREGATE MEALS	7	2	5				7		
	92-SR SVCS - HOME DELIVERED	6		6		2	1	7		1



**SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF  
AUGUST 2014**

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected/Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employment	Total separations
	93-SR SVCS - TRANSPORTATION	2		2				2		
<b>TOTAL</b>		26	2	24	0	2	3	29	0	1
	01-POJOAQUE SATELLITE OFFICE					1				
	02-EDGEWOOD SATELLITE OFFICE					1				
<b>TOTAL</b>		0	0	0	0	2	0	0	0	0
<b>CSD TOTAL</b>		48	3	45	0	4	6	54	1	1
<b>HOUSING TOTAL</b>		13		13			2	15		
MANAGEMENT DEPARTMENT	01-LAND USE ADMINISTRATION	4		4				4		
	02-PLANNING	6		6			2	8		
	14-GIS	9		9				9		
	15-AFFORDABLE HOUSING-COUNTY	2		2				2		
	16-BUILDING & DEVELOPMENT	15		15				15	1	
<b>GMD TOTAL</b>		36		36			2	38	1	
PUBLIC WORKS DEPARTMENT	01-PUBLIC WORKS ADMIN.	13		13			1	14		1
	02-FLEET SERVICE	7		7			2	9		
	03-TRAFFIC ENGINEERING	6		6			1	7		
	05-SOLID WASTE	20	1	19		1	1	21		
	11-ROAD MAINTENANCE	39		39			3	42	1	1
	02-PROPERTY CONTROL	11		11			4	15	1	
	03-BUILDING SERVICES	17	1	16			1	18	1	
<b>TOTAL</b>		113	2	111		1	18	125	3	2
	18-PROJECT DEVELOPMENT DIV	9		9			1	10		
	26-OPEN SPACE	5		5				5		
	08-SANTA FE RIVER GREENWAY	1		1				1		
<b>TOTAL</b>		15		15			1	16		



**SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF  
AUGUST 2014**

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected/Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employments	Total separations
	10-WATER	15		15		1	4	19		
	15-AAMODT						1	1		
	20-WASTEWATER	1		1				1		
<b>TOTAL</b>		<b>16</b>		<b>16</b>		<b>1</b>	<b>5</b>	<b>21</b>		
<b>PWD TOTAL</b>		<b>144</b>	<b>2</b>	<b>142</b>		<b>2</b>	<b>19</b>	<b>163</b>	<b>3</b>	<b>2</b>
PUBLIC SAFETY DEPARTMENT	01-FIRE ADMINISTRATION	27	1	26			3	30		
	09-FOREST RESTORATION	3	1	2				3		
	11-FIRE REGIONS	69		69			5	74		
	14-FEMA GRANT	1		1				1		
	78-2014 YCC GRANT					10				
<b>TOTAL</b>		<b>100</b>	<b>2</b>	<b>98</b>		<b>10</b>	<b>8</b>	<b>108</b>		
	01-ADMINISTRATION	6		6			2	8		
	60-ADULT FACILITY	126		126			30	156	5	3
	62-MAINTENANCE DIVISION	6		6			1	7		
	63-MEDICAL SERVICES	22		22		2	7	29		
	65-ELECTRONIC MONITORING	9		9				9		
	70-YOUTH DEVELOPMENT FAC.	22		22			7	29		
<b>TOTAL</b>		<b>191</b>		<b>191</b>		<b>2</b>	<b>47</b>	<b>238</b>	<b>5</b>	<b>3</b>
	01-ADMINISTRATION	39		39			9	48		1
<b>TOTAL</b>		<b>39</b>		<b>39</b>			<b>9</b>	<b>48</b>		<b>1</b>
<b>PSD TOTAL</b>		<b>330</b>	<b>2</b>	<b>328</b>	<b>0</b>	<b>12</b>	<b>64</b>	<b>394</b>	<b>5</b>	<b>4</b>
COUNTY CLERK'S OFFICE	01-REPORTING & RECORDING	17	1	16	1		4	21		1
	02-BUREAU OF ELECTIONS	11	1	10			2	13		
<b>CLERK'S OFFICE TOTAL</b>		<b>28</b>	<b>2</b>	<b>26</b>	<b>1</b>		<b>6</b>	<b>34</b>		<b>1</b>
TREASURER'S OFFICE TOTAL	01-COUNTY TREASURER ADMIN.	13		13	1			13	2	

**SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF  
AUGUST 2014**

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected/Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employment	Total separations
COUNTY ASSESSOR'S OFFICE	01-COUNTY ASSESSOR ADMIN.	28		28	1		1	29		
	11-PROPERTY VALUATION	14		14		1		14		
ASSESSOR'S OFFICE TOTAL		42		42	1	1	1	43		
SHERIFF'S OFFICE TOTAL		116		116	1	1	7	123	1	1
COUNTY PROBATE DEPARTMENT	01-COUNTY PROBATE JUDGE				1					
COUNTY WIDE TOTAL		850	10	840	10	20	116	966	15	11

SANTA FE COUNTY NEW HIRES AUGUST 9, 2014 -  
SEPTEMBER 5, 2014

LAST NAME	FIRST NAME		DEPARTMENT	POSITION	EMP STATUS	HIRE DATE
BEVEL	PAUL	J	COMMUNITY SERVICE DEPARTMENT	MOBILE HEALTH VAN DRIVER/ASST.	PB	8/9/2014
MARTINEZ	BRIANA	J	COUNTY MANAGER OFFICE	ACCOUNTANT	PB	8/25/2014
LOVATO	ANTHONY	M	COUNTY TREASURER'S OFFICE	TAX CASHIER I	PB	8/25/2014
ROMERO	ORLANDO	A	COUNTY TREASURER'S OFFICE	DELINQUENT TAX SYSTEM SPEC	PB	8/25/2014
MANZANARES	NATHAN	C	GROWTH MANAGEMENT DEPARTMENT	DEVELOPMENT REVIEW SPECIALIST	PB	8/25/2014
RINCON	AMY	M	GROWTH MANAGEMENT DEPARTMENT	COMMUNITY PLANNER	PB	9/3/2014
TRUJILLO	NADINE	C	LEGAL DEPARTMENT	ADMINISTRATIVE ASSISTANT	PB	8/26/2014
ANAYA	MICHAEL	L	PUBLIC SAFETY DEPARTMENT	DETENTION OFFICER	PB	8/19/2014
GALINDO-LEPIC	ALEXANDER	G	PUBLIC SAFETY DEPARTMENT	DETENTION OFFICER	PB	8/25/2014
GARCIA	GARY	E	PUBLIC SAFETY DEPARTMENT	DETENTION OFFICER	PB	8/18/2014
GONZALES	JUAN	C	PUBLIC SAFETY DEPARTMENT	DETENTION OFFICER	PB	8/13/2014
GONZALES	SERGIO	H	PUBLIC SAFETY DEPARTMENT	DETENTION OFFICER	PB	8/19/2014
SERNA	GABRIEL	R	PUBLIC SAFETY DEPARTMENT	DETENTION OFFICER	PB	9/2/2014
WILKINSON	DONNA	C	PUBLIC SAFETY DEPARTMENT	LPN	T	8/12/2014
YARDMAN	CHARLES	J	PUBLIC SAFETY DEPARTMENT	ELECTRICIAN SUPERVISOR	PB	9/2/2014
NARANJO	JUSTIN	J	PUBLIC SAFETY DEPARTMENT	FORESTRY TECHNICIAN	T	8/26/2014
MARTINEZ	PATRICIO	L	PUBLIC WORKS DEPARTMENT	MAINTENANCE TECHNICIAN	PB	8/25/2014
MARTINEZ	BEN		PUBLIC WORKS DEPARTMENT	EQUIPMENT OPERATOR	PB	8/18/2014

# LABOR STATISTICS FOR AUGUST 2014

Union Status		Percentage of Union Status		Percentage Of Employees Paying Union Dues	
AFSCME Employees	234	AFSCME Employees	27.53%	AFSCME Employees	56
NMCPSO (Sheriff) Employees	61	NMCPSO (Sheriff) Employees	7.18%	NMCPSO (Sheriff) Employees	36
AFSCME (Corrections) Employees	89	AFSCME (Corrections) Employees	10.47%	AFSCME (Corrections) Employees	0
AFSCME (Medical) Employees	10	AFSCME (Medical) Employees	1.18%	AFSCME (Medical) Employees	0
NMCPSO (RECC) Employees	23	NMCPSO (RECC) Employees	2.94%	NMCPSO (RECC) Employees	14
IAFF (Fire) Employees	67	IAFF (Fire) Employees	7.88%	IAFF (Fire) Employees	63
Total Number of Union Employees	486	Total Percentage of Union Employees	57.18%	Total Number of Employees Paying Dues	169
Non-Union Employees	364	Non-Union Employees	42.82%		
Total Number of Employees	850		100%		

## Union Status



## Paying Members



**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

## MEMORANDUM

To: Board of County Commissioners

Via: Katherine Miller, County Manager  
Bernadette Salazar, Human Resource Director *BS*  
Sonya Quintana, Employee Development Specialist

Date: September 18, 2014

Re: Recognition of Years of Service for Santa Fe County Employees

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Santa Fe County initiated a years of service recognition program in July 2014. This program recognizes employees on a monthly basis who have completed years of service in five year increments. Employees receive a service pen with the years of service listed.

Santa Fe County recognizes the value of employee retention. It is important that we express our appreciation to those employees who contribute to the County and choose to make their career with us. For the month of September, the following employees will be recognized:

Employee Name	Department	Title	Years of Service	Hire Date
Jessica Rodarte	Sheriff	Record Supervisor	5	09/02/2009
Axel Hernandez	Public Works	Heavy Equipment Operator	5	09/14/2009
Peter Roybal	Corrections	Detention Officer	5	09/21/2009
Kenneth Smith	Health & Human Services	Program Manager	10	09/07/2004
Brandon Smith	Fire	Lieutenant	10	09/15/2004
Marlene Garcia	Administrative Services	Systems Analyst Supervisor	15	09/09/1999
Teresa Martinez	County Manager	Finance Division Director	15	09/20/1999









**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## MEMORANDUM

Date: September 12, 2014  
To: Board of County Commissioners  
From: Jeffery Trujillo, ASD Director *JS*  
Via: Katherine Miller, County Manager  
Subject: Administrative Services Monthly Report – August 2014

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Below is an informational report in regards to the Administrative Services Department for the month of August 2014.

### **Information Technology**

Work Orders/Technical Support		295 work orders were completed/resolved in August 2014.												
All IT requests are captured using a work order tracking system located on SharePoint.														
Systems and Network Uptime for August 2014.		Q1 2015 Actual: 100%												
		FY 2015 YTD: 100%												
<table><tr><th colspan="3">August Unscheduled Downtime</th></tr><tr><th>Date</th><th>Description</th><th>Hours</th></tr><tr><td></td><td></td><td>0.0</td></tr><tr><td></td><td>Total</td><td>0.0</td></tr></table>			August Unscheduled Downtime			Date	Description	Hours			0.0		Total	0.0
August Unscheduled Downtime														
Date	Description	Hours												
		0.0												
	Total	0.0												

## **Legal**

Legal has processed 68 contracts, 28 resolutions, and reviewed or drafted (or participated in drafting) 1 ordinance this fiscal year.

Legal is also representing Santa Fe County in a number of pending lawsuits.

## **Mailroom**

**The Mailroom processed the following in the month of August**

Co. Manager (Commissioners)	136
DWI	44
MCH	1
PFMD	2
Clerks	142
Elections	3386
Assessors	40
Treasurers	254
Probate Judge	0
Attorney or Legal	28
Sheriff	176
Human Resources	69
Corrections Admin	2
Home for Good Program	0
Purchasing	8
PW-Solid Waste	0
Care Connection	0
HHS Admin	7
Sobering Center	0
Adult Jail	0
Teen Court	93
ASD	11
Fire Department	1019
E-911	5
RECC	18
Senior Services	12
YDF	7
Natural Resources	0
Affordable Housing	0
Section 8	162
Finance/Payroll	966
Utilities (Water Resources)	137
Public Works	56

Land Use	21
Housing	131
Indigent/HAP	11

### **Purchasing**

840 Purchase Orders were processed in August: \$ 2,046,360.60 Encumbered  
\$ 393,192.52 Expended

The following procurement activities were performed by 3 Procurement Specialists, Senior in August:

IFBs	1
RFPs	11
LOI	2
On-call	13
Price Agreements	10
Contract Amendments	5
Lease or Agreements	4
MOU/MOA	8
Grant Apps	5
Sole Source	2
DOE	0
3 Quotes	20

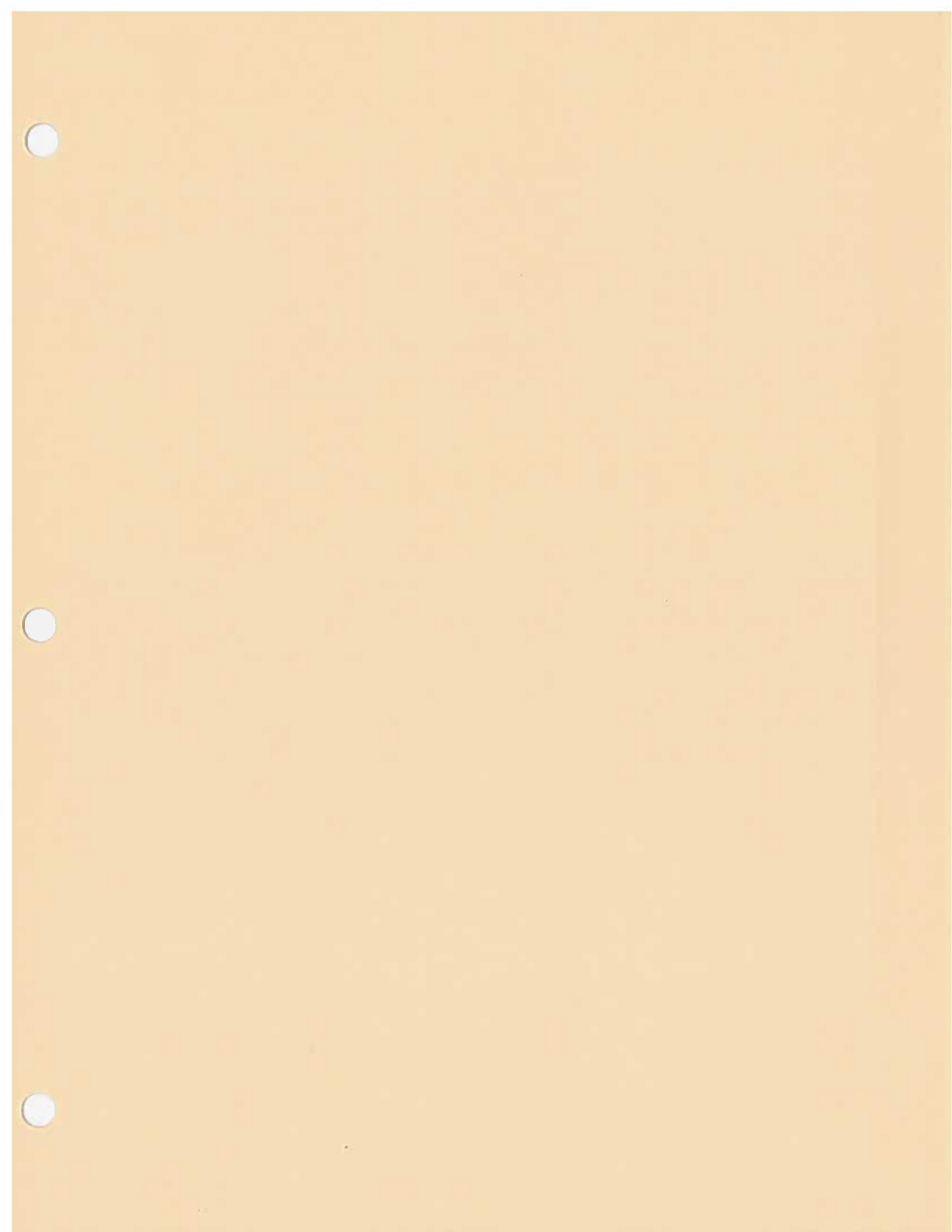
Current Solicitations as of September 12, 2014:

IFB's	3
RFP's	4

### **Risk Management**

Number of Fire Safety Inspections	51
Number of Facility Inspections	14
Number of Road Inspections	13
Number of Worker's Compensation Processed	3
Number of Employees out on Worker's Comp	6
Number of RAP Lessons	4
Number of County Involved Auto Accidents	0
Number of Century Link Cut Cables	1
Number of Safety Trainings	10
Number of Evacuation Drills	9
Number of New Employee Orientations	2







**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
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*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

### **Memorandum**

**To:** Santa Fe County Board of County Commissioners

**From:** Katherine Miller, County Manager, SFC  
Rachel O'Connor, Director, Community Services Department, SFC

**Date:** September 16, 2014

**Subject:** Community Services Monthly Report/September

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#### **Health Services**

The Community Services Department and Procurement held a "bidders conference" for the Mobile Crisis Intervention team. The conference was attended by only one bidder who does plan to proceed with the issuance of a proposal. Proposals are due on September 24.

With the addition of new members to the HPPC this summer, the HPPC is getting more involved in particular priorities in the Health Action Plan. The HPPC this month had a presentation from DOH on prescription drug overdose deaths. Although the latest state figures show decline statewide from 2011 to 2013, the number of overdose deaths in Santa Fe County is the second highest in the state. The county overdose death rates, while similar to state rates, appear to be rising. Overdose death rates for Hispanics in Santa Fe County are higher than for Hispanics statewide. The October meeting will focus on low birth weight and the project we have with La Familia for medication assisted treatment for pregnant women who use opiates. So far, 20 of the women have been born enrolled have given birth to healthy babies, only one of which was premature.

Several weekend events for health insurance education/enrollment are being held in September, in conjunction with the mobile van, including at Our Lady of Guadalupe here in Santa Fe, Nuestra Senora de la Guadalupe in Pojoaque (for their Annual Fair) and San Isidro on Agua Fria. We are working on a grant proposal for doing radio PSAs in Spanish, in conjunction with the next open enrollment for the Health Insurance Exchange.

Our nurse Kati Schwartz will be heading out next week to a national conference of the Mobile Health Van Association. The van will be staffed in her absence. We are continuing to explore new populations with the van, tying in when possible health insurance education and enrollment. The van will be at Wise Fool this Saturday, where people tend to be underemployed and younger. Over the following weekends the van will be doing screenings and health insurance outreach will be conducted at three Catholic churches: Our Lady of Guadalupe here in Santa Fe, Nuestra Senora de la Guadalupe in Pojoaque, and San Isidro on Agua Fria.

## Community Safety

Drinking establishments around town are now wearing "Think SaFe" t-shirts and buttons. At this time a total of 14 establishments are supporting the campaign. A larger number of establishments continue to utilizing coaster and napkins provided by the DWI program. FireStik Studios is currently recruiting other establishments to wear the t-shirts and buttons.

Teen Court is starting a new mural at La Familia Medical Center tomorrow morning. Over the next few weeks, three artists will be working with Teen Court youth to create a mural depicting the culture of the Alto Street community. An unveiling of the mural will take place mid-October.

We have chosen a new logo to represent the Teen Court program and will be finalizing the design color(s) in the next week. We will begin to incorporate the logo on all of our program forms and on the website during the month of September.

## Community Operations

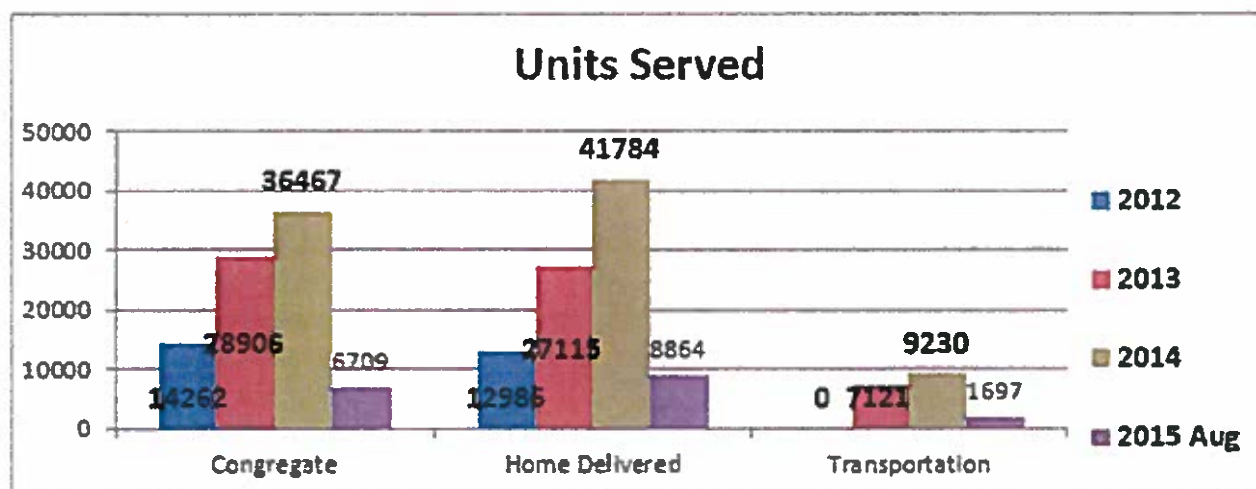
Staff is in the process of hiring a Director of Community Operations. This should be completed by the end of September.

Nambe Community/Senior Center will be closed for the next month to repair the roof. It will open again on 10/3/14.

## Senior Services

The Community Services Department is meeting with Public Works to move forward on the purchase of chairs and tables for Eldorado.

See below units served at the Senior Services Department for this fiscal year.









## Memorandum

To: Santa Fe Board of County Commissioners

From: Teresa C. Martinez, Finance Director

Via: Katherine Miller, County Manager

Date: September 16, 2014

Re: *Financial report for the month ending 08/31/2014*

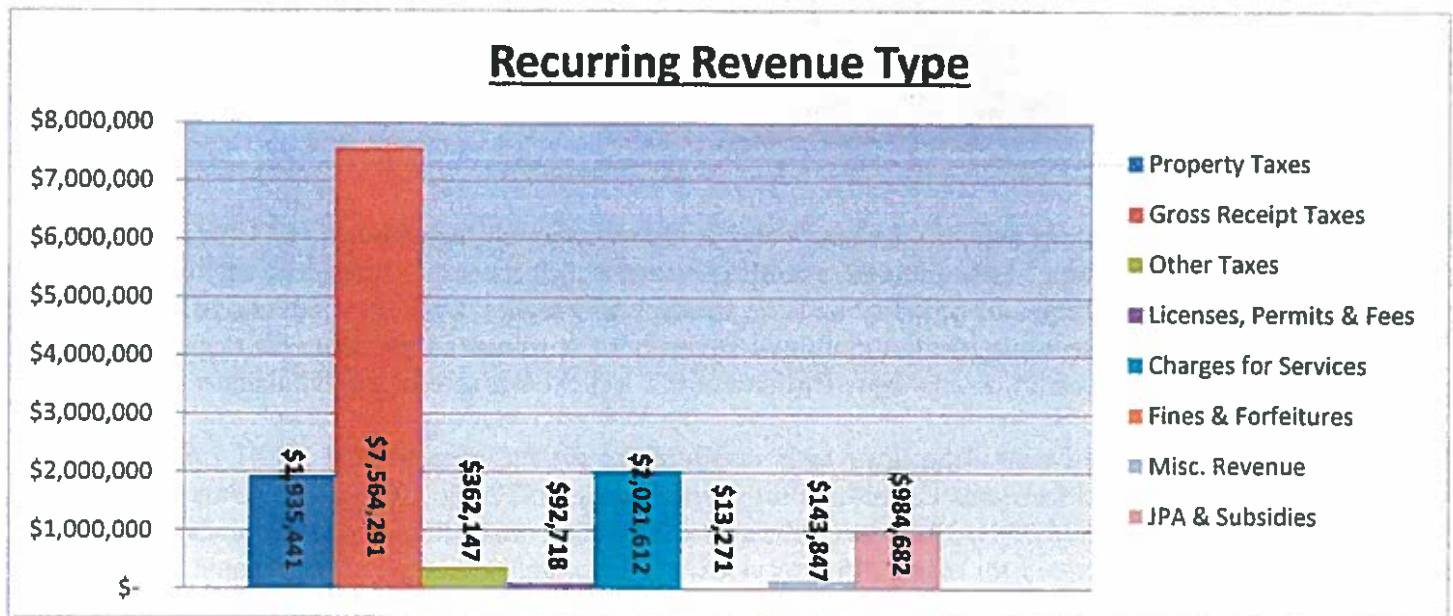
### ISSUE:

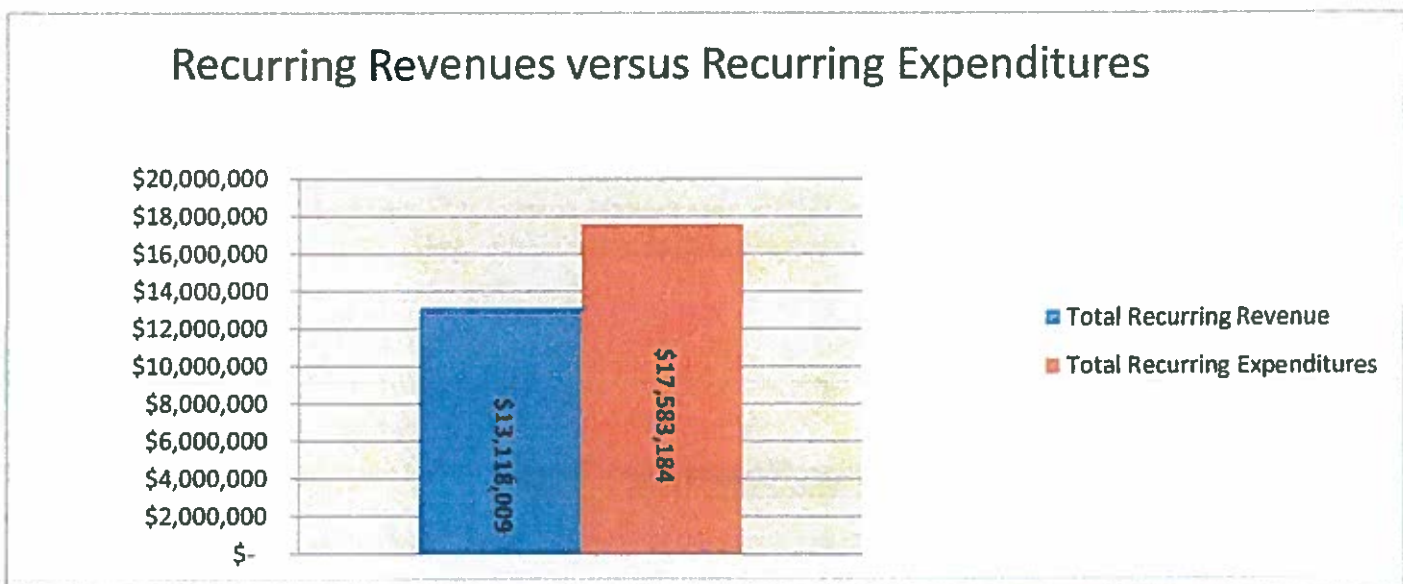
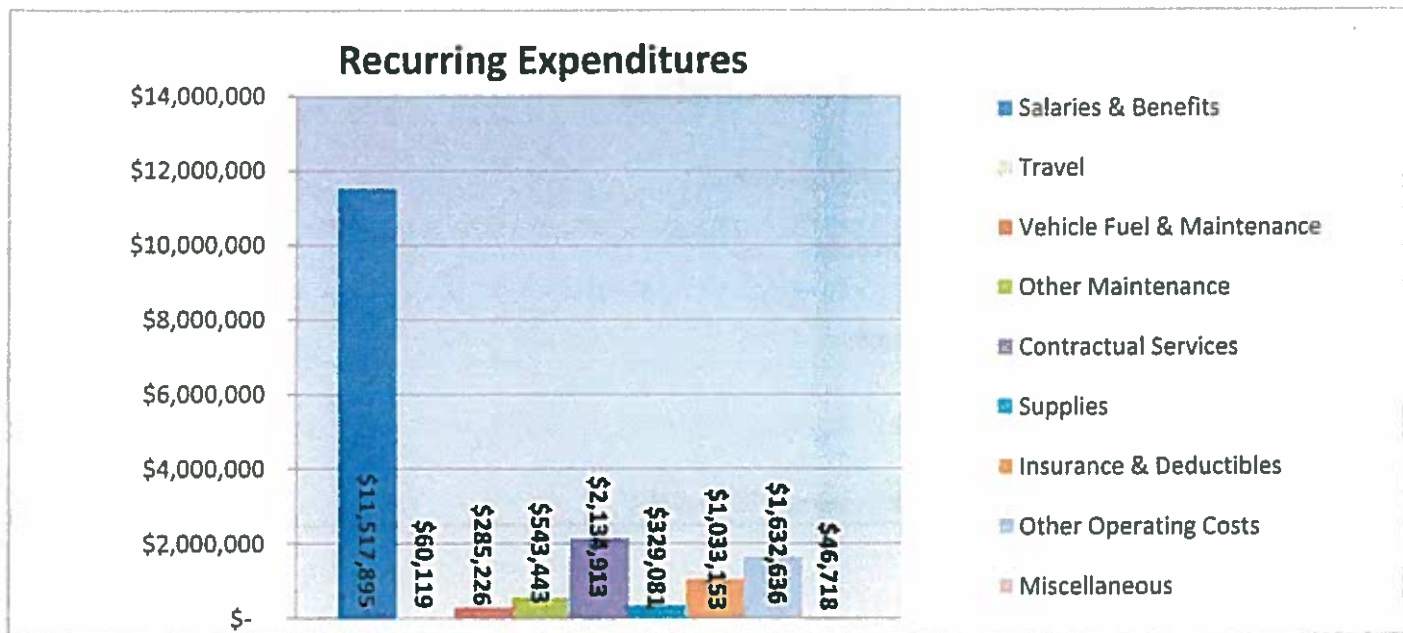
Enclosed is a report summarizing the financial activities of the County through the month ending August 31, 2014.

### BACKGROUND:

This is a comparison of revenues and expenditures on a recurring versus non-recurring basis. The monthly report will still highlight major revenue sources. Below are several charts that identify 1) the recurring revenue sources, 2) the recurring expenditures and 3) a comparison of the two side by side.

### RECURRING VERSUS NON-RECURRING





Through the month of August, as noted in the charts above, the revenues collected totaled \$13.1 million and the expenditures total \$17.6 million. Expenditures exceeding revenue collections at the start of each fiscal year is normal. Typically, the collection of property taxes is cyclical and higher within the months of December – January and May – June. Beginning in the month of December the revenue collections will materialize at a level sufficient to sustain expenditures. In those earlier months, it is the budgeted cash that balances the budget.

The revenue collections were below the prior year's collections for the same period by \$1.1 million. The decrease can be attributed to decreased collections for property taxes (\$12,946), gross receipt taxes (\$57,579), licenses, permits and fees (\$16,727), JPAs and subsidies (\$137,051), miscellaneous revenue (\$416,071) and other small decreased collections for charges for services and fines and forfeitures. The major difference in

decreased revenues can be attributed to the \$545,000 refund received in the prior year for the cost segregation analysis completed on the new judicial court house.

### NON-RECURRING EXPENDITURES

Capital expenditures are non-recurring expenditures funded by non-recurring sources. Such sources include bond proceeds, special appropriations, grants and cash balances from excess revenues of prior years.

The following is a listing of some of the major capital expenditures incurred thru the month of August:

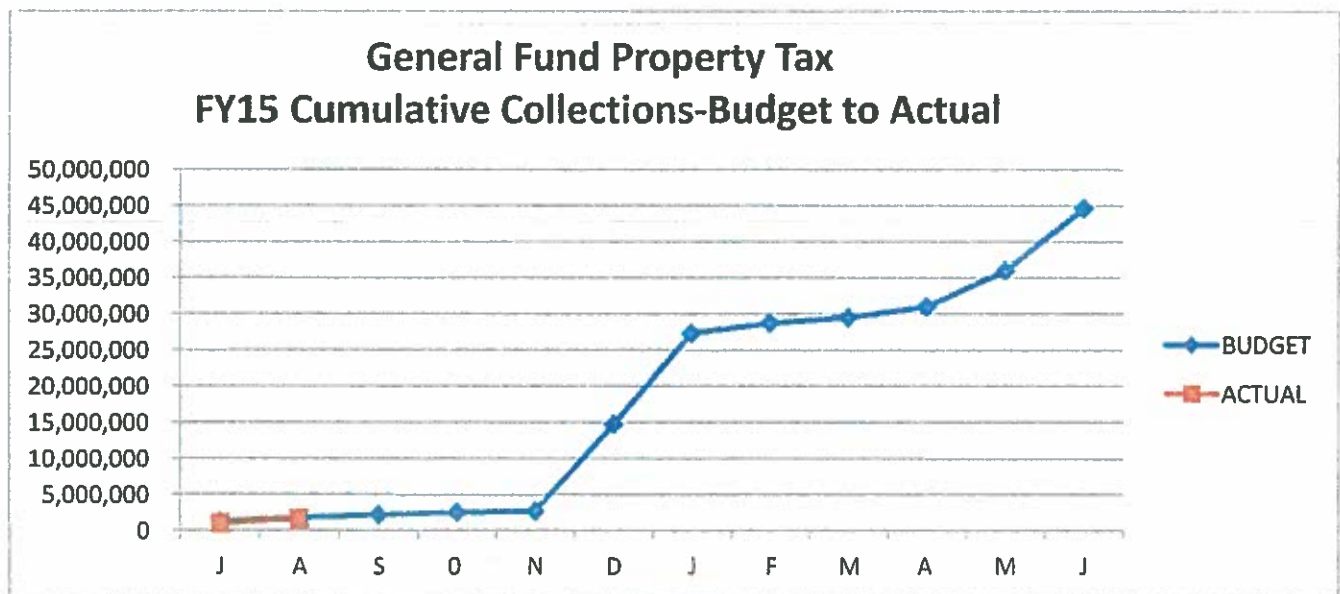
La Cienega Fire #2/CC/Library	\$139,883	Glorieta Estate MDWA	\$121,835
Adm Building Upgrades	\$ 36,804	TCSP Road Grants	\$123,152
Sheriff Vehicle Purchases	\$ 35,845	Torcido Loop	\$ 27,183
Eldorado/Canoncito/SE Sector	\$108,840	District Attorney Complex	\$ 11,639

Also included for your information are the charts reflecting major revenue sources and collections through August.

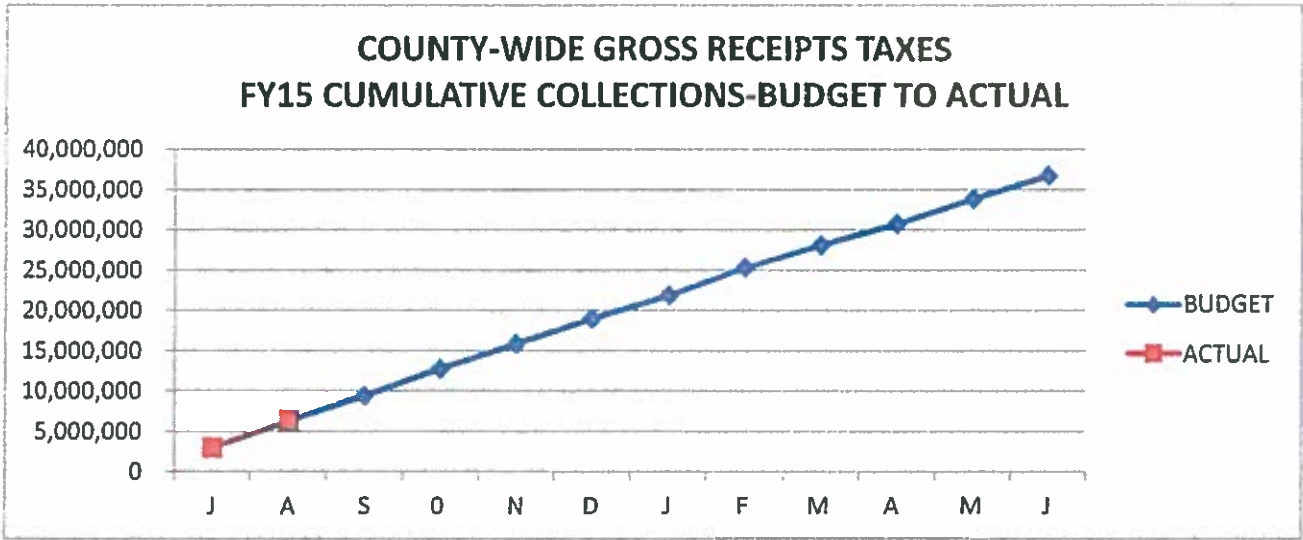
### REVENUE:

Property tax is recorded monthly and compared to the actual monthly budget forecasts. Property tax revenue budget estimates are conservative, as a budget shortfall in tax receipts would have a serious impact on various County operations.

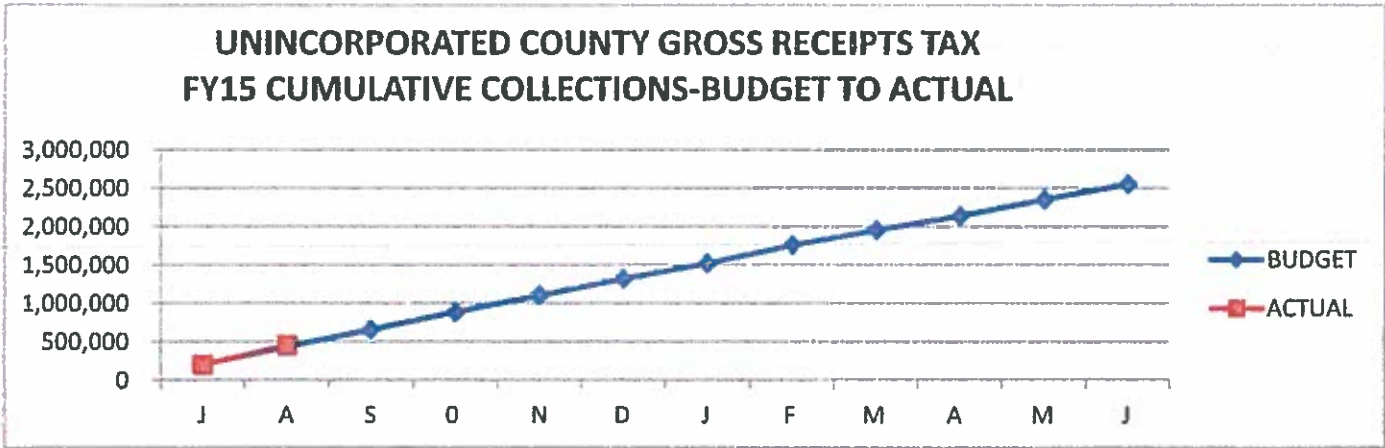
Actual property tax collections of \$1.6 million through the end of August fell below the budget of \$1.8 million. The collections are \$348,785 below the prior year's collections for the same time period.



The gross receipts taxes are estimated from trend data and from economic analysis of the business activities in the areas of construction, wholesale, retail and service sectors. Combined, both the county-wide and the unincorporated gross receipt taxes collected through August total \$6.9 million and are \$191,269 above the budgeted amount of \$6.7 million. Total year-to-date collections were below the collections of the prior year by \$28,828 for the same time period.



The unincorporated GRT collections total \$452,556 for the month of August and are \$222,470 above the prior year collections. The increase is mainly attributable to the enacted Fire Excise Tax which began receiving monthly collections in September 2013 resulting in an average monthly amount of \$100,000 to \$115,000. Through August, the Fire Excise GRT collections total \$225,321.



**SUMMARY:**

In summary, the property tax collections fell just below budget for the month of August. The GRT collections exceeded the monthly budget and fell slightly below the prior year’s collections for August. Finance continues to work with independent audit staff to complete the audit of FY 2014.











*Santa Fe County*

## SANTA FE COUNTY GOVERNMENTAL RELATIONS

9/23/2014

### Board of County Commissioners Report

A report of the Intergovernmental activities from the weeks of

July 13 – July 19

July 20 – July 26

July 27 – August 2

August 3 – August 9

August 10 – August 16

August 17 – August 23

August 24 – August 30

September 1 – September 7

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## REPORT OVERVIEW

This report provides information on the governmental interactions that Santa Fe County has engaged in over the weeks between July 13 through September 5. Meetings attended include Legislative Interim committees, City and Town Council meetings, School Board meetings, County Commission meetings, State Agency meetings, regional group meetings and community meetings.

The purpose of this report is to provide information about the matters dealt with by entities other than Santa Fe County that do, or have the potential to, effect county residents or operations of the county government.

While most matters recounted in this report have already been reported on and responded to through proper channels within county government before the completion of this report, this report serves as a compilation of information related to the governmental issues for this specific time period.

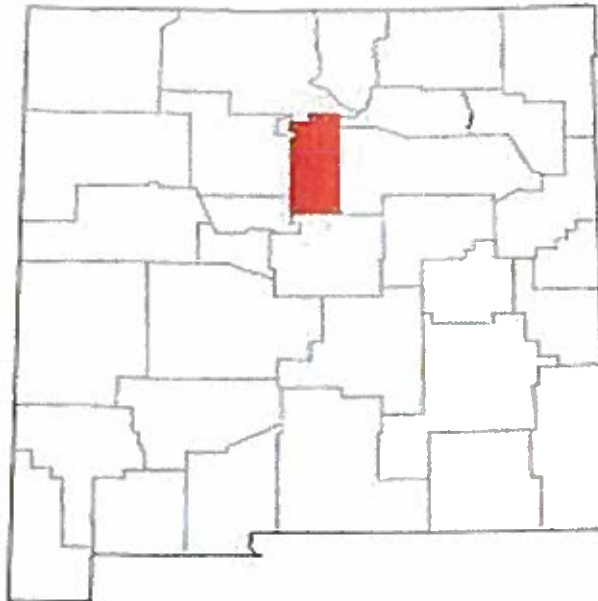
Governmental relations provide the opportunity for Santa Fe County to develop and foster relationships with governments, school districts, pueblos/tribes/nations, state and federal agencies, community organizations and associations, utilities and co-ops, other quasi-governmental entities, the New Mexico Legislature and within its elected official structure.

This effort is important to understand common regional goals; identify areas that may have an impact, either positive or negatively, on the County; and, to keep the County management structure including our elected officials abreast of matters as they relate to County government.

## BACKGROUND

Based upon the 2012 United States Census figures, the County has an estimated population of 146,375 persons and is comprised of approximately 1,904 square miles, and has contiguous borders with the following County governments:

- Bernalillo County
- Los Alamos County
- Mora County
- Rio Arriba County
- Sandoval County
- San Miguel County
- Torrance County



In addition to its contiguous borders with the above referenced Counties, the County includes the City of Santa Fe, the Town of Edgewood and portions of the City of Espanola.

The County, through its property tax collection program, has a relationship with the following school districts:

- Santa Fe Public Schools
- Pojoaque Valley Public Schools
- Espanola Valley Public Schools
- Sandoval Public Schools
- Moriarty – Edgewood Public Schools
- Pecos Independent School District
- Santa Fe Indian School

Tribal governments that are contained within the county are the Pueblo of Santa Clara, the Pueblo of San Ildefonso, the Pueblo of Nambe, the Pueblo of Pojoaque, the Pueblo of Tesuque, The Pueblo of Cochiti and the Pueblo of Santo Domingo.

The County has relationships with various State of New Mexico agencies and departments including but not limited to the Department of Finance and Administration, State Land Office, Tax and Revenue Department, Office of the State Engineer/Interstate Stream Commission, New Mexico Environment Department, New Mexico Department of Transportation, the New Mexico Finance Authority/New Mexico Water Trust Board, the New Mexico Legislature and the Santa Fe County delegation.

In addition to the State of New Mexico governmental relationships, the County has relationships with various Federal agencies including but not limited to the Department of Housing and Urban Development, United States Forestry, Federal Emergency Management Agency, the Department of Justice and through the field offices of the County's Federal delegation members.

Located within the County are fourteen Traditional/Historic Communities and numerous homeowner associations and groups that are actively involved in growth management and public works related issues, including various utility co-ops, economic development and non-profit organizations.

## CALENDAR OF GOVERNMENTAL RELATIONS ACTIVITIES

### Week of July 13 – July 19

#### July 14, 2014

San Buenaventura Feast Day / San Felipe, Kewa and Cochiti Pueblos  
Indian Affairs Interim Committee / 8:30AM Navajo, Pinedale, Gallup  
Legislative Education Interim Subcommittee Meeting / 8:30AM Farmington – San Juan College

#### July 15, 2014

CDBG Allocation Hearing / 8:00AM Albuquerque  
Indian Affairs Interim Committee / 8:30AM Navajo, Pinedale, Gallup  
Legislative Education Interim Subcommittee Meeting / 8:30AM Farmington – San Juan College  
Santa Fe Public Schools Board Meeting / 5:30PM SFPS Board Room  
Moriarty – Edgewood School Board Meeting / 6:30PM MESD Board Room

#### July 16, 2014

NMFA Meeting / 8:00AM Ruidoso Convention Center  
Indian Affairs Interim Committee / 8:30AM Navajo, Pinedale, Gallup  
Legislative Education Interim Subcommittee Meeting / 8:30AM Farmington – San Juan College  
Military and Veteran's Affairs Interim Subcommittee / 10:00AM UNM-Gallup  
Town of Edgewood Council Meeting / 6:30PM Edgewood Community Center  
ICIP Community Meeting / 7:00PM Pojoaque Satellite Office

#### July 17, 2014

NMFA Meeting / 8:00AM Ruidoso Convention Center  
Legislative Health and Human Services Interim Committee / 8:00AM Pueblo of Taos

#### July 18, 2014

NMFA Meeting / 8:00AM Ruidoso Convention Center  
Legislative Health and Human Services Interim Committee / 8:00AM Pueblo of Taos  
Regional Coalition of LANL Communities / 9:00AM City of Espanola Council Chambers

### Week of July 20 – July 26

#### July 21, 2014

Land Grant Interim Committee Meeting / 8:00AM Tierra Amarilla School  
Village of Pecos Board of Trustees Meetings / 6:30PM Village of Pecos Administration Offices

#### July 22, 2014

Land Grant Interim Committee Meeting / 8:00AM Tierra Amarilla School  
ICIP Public Input Meeting / 11:30AM El Rancho Community/Senior Center  
City of Espanola Council Meeting / 6:30PM City Council Chambers  
Los Alamos City/County Meeting / 7:00PM Los Alamos Council Chamber  
ICIP Public Input Meeting / 7:00PM Nancy Rodriguez Community Center

#### July 23, 2014

JOBS Council / 8:00AM Carpenters Union Hall Albuquerque  
Transportation and Infrastructure Interim Committee Meeting / 9:30AM Capital Room 309  
NM Water Trust Board Executive Meeting / 10:00AM Capital Room 307  
NMFA Board of Directors Meeting / 10:00AM Balloon Museum Albuquerque  
Radioactive and Hazardous Materials Interim Committee / 10:00AM Los Alamos UNM Lecture Hall  
ICIP Public Input Meeting / 11:30AM Edgewood Senior Center

#### July 24, 2014

Courts, Corrections and Justice Interim Committee / 9:00AM Capital Room 307

## **Santa Fe County Governmental Relations**

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Behavioral Health Interim Committee / 9:00AM Northern NM College Espanola  
Regional Coalition of LANL Communities / 9:00AM Espanola City Council Chambers  
Santa Cruz Irrigation District Meeting / 9:00AM Santa Cruz Irrigation District Office  
ICIP Public Input Meeting / 11:30AM Ken and Patty Adams Senior Center El Dorado  
La Bajada Steering Committee Meeting / 4:00PM Legal Conference Room  
ICIP Public Input Meeting / 7:00PM Hondo Eastern Regional Fire Station (#2)

### July 25, 2014

Santiago Feast Day Corn Dance – Taos Pueblo  
Courts, Corrections and Justice Interim Committee / 9:00AM Capital Room 307

NM Health Insurance Exchange Board Meeting / 8:30AM Albuquerque Marriott  
Procurement Reform Task Force / 10:00AM Capital Room 317

### July 26, 2014

Santa Ana Feast Day / Taos, Laguna and Santa Ana Pueblos

## **Week of July 27 – August 2**

### July 28, 2014

Investment and Pension Oversight Committee / 10:00AM Capital Room 307  
Village of Agua Fria Association Meeting / 6:00PM Nancy Rodriguez Community Center  
ICIP Public Input Meeting / 7:00PM Vista Grande Library

### July 29, 2014

Science, Technology and Telecommunication Interim Committee Meeting / 10:00AM Capital Room 311

### July 30, 2014

Criminal Justice Reform Committee Meeting / 9:00AM 2nd Judicial District – 3rd Floor Conference Room  
Northern New Mexico Citizen's Advisory Committee Meeting / 1:00PM La Fonda – Santa Fe  
Santa Fe City Council Meeting / 5:00PM City Council Chambers  
Santa Fe County District Fire Chief's Monthly Meeting / 6:00PM Fire Administration  
NE/SE Connector Project Meeting / 6:00PM Santa Fe Community College Jemez Rooms I-II  
Cuatro Villas MDWCUA Monthly Meeting / 6:30PM 18537 USE 84/285 Suite A

### July 31, 2014

Tobacco Settlement Revenue Oversight Committee Meeting / 9:30AM UNM Cancer Center – Albuquerque  
Rio Arriba County Commission Meeting / 10:00AM Rio Arriba County Annex – Espanola

### August 1, 2014

Public School Capital Outlay Committee Meeting / 9:00AM Capital Room 307  
Mortgage Finance Authority Oversight Committee / 10:00AM MFA Albuquerque

### August 2, 2014

Nuestra Senora de los Angeles Feast Day / Jemez Pueblo

## **Week of August 3 – August 9**

### August 4, 2014

Feast Day / 8:00AM Kewa Pueblo  
Capital Building Planning Commission / 8:00AM Capital Room 311  
Santa Fe Public Schools Board Meeting / 5:30PM ESC Building  
Pojoaque Fire District Strategic Planning Meeting / 7:00PM Pojoaque Fire Station

### August 5, 2014

Legislative Health and Human Services Interim Committee Meeting / 9:00AM UNM School of Law  
Revenue Stabilization and Tax Policy Interim Committee Meeting / 9:00AM Capital Room 307/322

Transportation and Infrastructure Interim Committee Meeting / 10:00AM Room 322  
La Cienega Community Meeting / 10:30AM La Cienega Community Center  
Pecos Independent School District "Working Session" / 5:30PM PISD Board Room  
Los Alamos City/County Meeting / 7:00PM Council Chambers – Los Alamos  
Turquoise Trail Fire District Strategic Planning Meeting / 7:00PM Turquoise Trail Fire Station

August 6, 2014

Legislative Health and Human Services Interim Committee Meeting / 9:00AM UNM School of Law  
Revenue Stabilization and Tax Policy Interim Committee Meeting / 9:00AM Capital Room 307/322  
Courts, Corrections and Justice Interim Committee Meeting / 9:00AM UNM School of Law  
Edgewood Town Council Meeting / 5:30PM Edgewood Community Center  
Espanola Public Schools Board Meeting / 6:00PM Espanola Public Schools

August 7, 2014

Legislative Health and Human Services Interim Committee Meeting / 9:00AM UNM School of Law  
Revenue Stabilization and Tax Policy Interim Committee Meeting / 9:00AM Capital Room 307/322  
Courts, Corrections and Justice Interim Committee Meeting / 9:00AM UNM School of Law  
Science and Technologies Interim Committee Meeting / 10:00AM Capital Room 311  
New Mexico Association of Counties Executive Board Meeting / 1:00PM Gallup  
BDD Board Meeting / 4:30PM City of Santa Fe Council Chambers

August 8, 2014

New Mexico Association of Counties Executive Board Meeting / 8:30AM Gallup  
Science and Technologies Interim Committee Meeting / 10:00AM Capital Room 311

**Week of August 10 – August 16**

August 12, 2014

Pueblo of Santa Clara Feast Day  
REDI Net policy committee meeting / 10:00AM Espanola City Hall  
Espanola City Council Meeting / 6:00PM Espanola City Hall

August 13, 2014

NNMCAB Combined Committee Meeting / 2:00PM NNMCAB Office, Pojoaque  
Santa Fe City Council Meeting / 5:00PM Santa Fe City Hall  
Pojoaque Schools Board of Education meeting / 5:30PM Sammy J. Quintana Community Board Room, Jacona

August 14, 2014

REDI Net Board of Directors meeting / 2:00PM Espanola City Hall

August 15, 2014

Los Alamos County Council Meeting / 12noon Los Alamos County Administration Building

**Week of August 17 – August 23**

August 19, 2014

Santa Fe Public Schools board meeting / 5:30PM ESC Building 610 Alta Vista St Santa Fe

August 20, 2014

New Mexico Mortgage Finance Authority board meeting / 9:30AM Albuquerque Convention Center  
2014 REDI State of the Region Summit / Ohkay Owingeh Conference Center  
San Ildefonso/ El Rancho Community Outreach meeting / 6:30PM 6th Grade Academy, Pojoaque Schools



**Week of August 24 – August 30**

August 25, 2014

Legislative Education Study Committee/Legislative Finance Committee joint meeting / 8:00AM New Mexico Highlands University  
Military and Veterans' Affairs Committee / 9:00AM Grant County Business and Conference Center

August 26, 2014

Legislative Education Study Committee/Legislative Finance Committee joint meeting / 8:15AM New Mexico Highlands University  
Española City Council meeting / 6:00PM Española City Hall

August 27, 2014

Legislative Education Study Committee/Legislative Finance Committee joint meeting / 8:00AM Luna Community College  
Legislative Education Study Committee Charter Schools Subcommittee / 1:00PM New Mexico Highlands University  
Santa Fe City Council meeting / 5:00PM Santa Fe City Hall  
Cuatro Villas MDWUA monthly meeting / 6:30PM 18537 US 84/285 Suite A

August 28, 2014

Legislative Education Study Committee Charter Schools Subcommittee / 9:00AM New Mexico Highlands University  
Santa Cruz Irrigation District monthly meeting / 9:00AM Santa Cruz Irrigation District Office  
New Mexico Finance Authority board meeting / 9:00AM State Capitol Room 322  
Jobs Council / 10:00AM State Capitol Room 307  
Indian Affairs Committee / 10:00AM Indian Pueblo Cultural Center  
Rio Arriba County Commission meeting / 10:00AM Rio Arriba County Complex, Tierra Amarilla

August 29, 2014

Indian Affairs Committee / 10:00AM Pueblo of Laguna

**Week of September 1 – September 7**

September 5, 2014

NCRTD meeting / 9:00AM NCRTD, Jim West building, Española

**Government/Agency Contact Info:**

**COUNTIES**

**Bernalillo County**

One Civic Plaza NW, 10th Floor  
Albuquerque, NM 87102-2111  
Phone: (505)768-4000  
Website: <http://www.bemco.gov>

**Los Alamos County**

1000 Central Avenue  
Los Alamos, NM 87544  
Phone: (505)662-8080  
Website:  
<http://www.losalamosnm.us/>

**Mora County**

PO BOX 580  
County Courthouse  
Mora, NM 87732-0580  
Phone: (575)387-5279  
Website:  
<http://www.countyofmora.com>

**Rio Arriba County**

1122 Industrial Park Rd  
County Annex Building  
Española, NM 87532-3453  
Phone: (505)753-2992  
Website: <http://www.rio-arriba.org>

**Sandoval County**

PO BOX 40  
County Courthouse  
Bernalillo, NM 87004-0040  
Phone: (505)867-7500  
Website:  
<http://www.sandovalcountynm.gov/>

**San Miguel County**

500 W National St  
County Courthouse  
Las Vegas, NM 87701-3490  
Phone: (505)425-9333  
Website: <http://www.smccounty.net>

**MUNICIPALITIES**

**City of Santa Fe**

200 Lincoln Avenue  
Santa Fe, New Mexico 87501  
Phone: (505)955-6949  
<https://www.santafenm.gov/>

**SUMMARY OF ACTIVITIES**

**Meetings the week of 7/13 – 7/19**

**LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE/July 18**

Pueblo of Taos, Community Center

The New Mexico Health Insurance Exchange Board provided an update at the committee meeting about progress made to sign up New Mexicans for insurance through the exchange created for the state. It was reported that the NMHIX fell significantly short of its goal of new insured persons and because of this was contemplating taking a new approach for the new enrollment period which is to begin in November of 2014. The board chair reported significant progress in providing outreach to the tribal governments throughout the state and a specific creation of a subcommittee to address tribal related issues. A decision as to what course of action to take for the next enrollment period of the NMHIX was to be made at the NMHIX board meeting on July 25 in Santa Fe.

**Meetings the week of 7/20 – 7/26**

**RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE/ July 23**

University of New Mexico (UNM) - Los Alamos Campus

Various presentations were provided about the continuing situation regarding the radiation leak detected at WIPP from a waste drum originating from LANL. The leak detected at WIPP consequently has stopped all shipments being received at the facility and has ceased all shipments being sent from LANL. Presentations at the committee were made by LANL, DOE and the New Mexico Environment Department.

An update on the cause of the "event" causing the radiation leak was provided from LANL. New findings have been able to eliminate possible causes and is allowing for a narrowing of possible causes to be focused towards. One such possible cause revealed that the specific contents of the drum with the leak was unique and could allow for a reaction to occur and is being examined further. No certain cause has yet to be determined.

The NMED secretary reported that the WIPP site is permitted by the State and that the permit for the facility to operate and accept transuranic waste has been suspended indefinitely until further information about the cause of the leak were known and also all checks related to worker safety could be completed. All the various parties involved continue to work together to address the safety of the WIPP facility and also to continue cleanup at LANL.

A presentation about the chromium contamination originating from LANL and polluting the drinking water aquifer was also provided. Currently many monitoring methods have been initiated to gather more information about the chromium plume and what threats and potential threats it may have towards

**...continued contacts**

**City of Española**

405 N. Paseo de Oñate  
Española, NM 87532  
Phone: (505) 747-6100  
Fax: (505) 747-6084  
<http://www.cityofespanola.org/>

**Town of Edgewood**

1911 Historic Route 66, P.O. Box  
3610  
Edgewood, NM 87015  
Phone: 505-286-4518  
Fax: 505-286-4519  
<http://www.edgewood-nm.gov/1014/Government>

**TRIBAL GOVERNMENTS**

**Pueblo of Santa Clara**

P.O. Box 580  
Española, New Mexico 87532  
Phone: (505) 753-7330/7326  
Fax: (505) 753-8988

**Pueblo of San Ildefonso**

72 Tunyo Po  
Santa Fe, New Mexico 87506  
Phone: (505) 455-2273  
Fax: (505) 455-735

**Pueblo of Nambe**

Route 1, Box 117-BB  
Santa Fe, New Mexico 87506  
Phone: (505) 455-2036  
Fax: (505) 455-2038

**Pueblo of Pojoaque**

78 Clites of Gold Road  
Santa Fe, New Mexico 87506  
Phone: (505) 819-2276/2277  
Fax: (505) 819-2299

**Pueblo of Tesuque**

Route 42, Box 360-T  
Santa Fe, New Mexico 87506  
Phone: (505) 955-7732  
Fax: (505) 982-2331

**Pueblo of Santo Domingo**

P.O. Box 99  
Santo Domingo Pueblo, New Mexico  
87052  
Phone: (505) 465-2214  
Fax: (505) 465-2688/2215

persons and the environment. LANL has been working with Los Alamos officials and also Pueblo of San Ildefonso officials in addressing this matter.

**REGIONAL COALITION OF LANL COMMUNITIES MEETING/July 24**

**City of Espanola**

Executive Director Darien Cabral introduced Governor Joshua Magdalena and stated that Jemez Pueblo will be joining the Coalition.

Michelle Jaquez Ortiz of Senator Udalls' Office stated that her office is looking to have US Energy Secretary Moniz to be scheduled to come out to New Mexico to the WIPP site. More details will be forthcoming via press release Secretary Moniz to arrive August 12 to Carlsbad. Councilor Maestas suggested that a letter or position paper be presented to Energy Secretary Moniz while he is here as well as see if Mayor Lucero and/or others can greet him if he will be in the area.

Nicolas Maestas, Representative for Congressman Ben Ray Lujan's office commented that their office is looking for funding for the cleanup.

LANS Board of Governors Meeting is scheduled for September. Mr. Cabral to send out to all the board members a draft regarding the workplan.

Election of Officers was held. Chair, Mayor Alice Lucero, City of Espanola; Vice Chair Andrew Gonzales of the Town of Taos; Secretary/ Treasurer Mayor Javier Gonzales

**COURTS, CORRECTIONS AND JUSTICE COMMITTEE/ July 24-25**

**Room 307, State Capitol**

NMAC president Sharon Stover and Grace Phillips attorney for NMAC provided a presentation to the committee about increasing populations in County detention facilities and also increased length of stays for inmates. Several comments were offered by legislators as reasons for increased length of stays which included changes in the criminal code, which made more offenses higher priority crimes therefore increasing sentencing requirements, changes in competency hearings, which is related to mental health issues and treatment in the corrections community, and also an increase in the female inmate population statewide. Statistics were provided showing that NM County detention facilities processed and housed more inmates than the state corrections department. No specific proposed resolutions to address the issue of increased inmate populations were offered at the meeting but only a presentation of statistics was offered to include with the statistics offered by the NM corrections department.

**NEW MEXICO HEALTH INSURANCE EXCHANGE BOARD MEETING/ July 25**

**Courtyard Marriot, Santa Fe**

The New Mexico Health Insurance Exchange board made a decision to not transition to a state based exchange but to continue with the Federally Facilitated Marketplace (FFM) system to enroll persons for health insurance. One of the major issues for doing so was that making the transition would have required enrolling the already signed up persons (approximately 34,000

**...continued contacts**

**Pueblo of Cochiti**  
P.O. Box 70  
Cochiti Pueblo, New Mexico 87072  
Phone: (505) 465-2244  
Fax: (505) 465-1135

**SCHOOLS**

**Santa Fe Public Schools**  
610 Alta Vista Street  
Santa Fe, New Mexico, 87505  
Phone: (505) 467-2000  
<http://www.sfps.info/>

**Pojoaque Valley School District**  
1574 State Rd 502 West  
Santa Fe, NM 87506  
Phone: (505) 455-2282  
Fax: (505) 455-7152  
<http://pvs.k12.nm.us/>

**Espanola Public School District #55**  
714 Calle Don Diego  
Espanola, NM 87532  
Phone: (505) 753-2254  
Fax: (505) 747-3514  
<http://www.k12espanola.org/>

**Moriarty-Edgewood School District**  
200 Center Street  
Moriarty, New Mexico 87035  
(505) 832-4471  
(505) 832-4472  
<http://www.mesd.us>

**Pecos Independent School District**  
Address: North Hwy 63, P.O. Box  
368 Pecos, NM 87552  
Phone: (505) 757-4700  
Fax: (505) 757-8721  
<http://www.pecos.k12.nm.us/>

**Santa Fe Indian School**  
1501 Cerrillos Road  
Santa Fe, NM 87505  
P.O. Box 5340  
Santa Fe, NM 87502  
Phone: (505) 989-6300  
[www.stindianschool.org](http://www.stindianschool.org)

persons) again into the state based system. Other issues with the state based system not being completely ready were, test periods being completed for the

online interface were not done and not having a call center fully operational were factored into the decision.

Going forward with the Federal system will limit the time span of the next enrollment period (November 2014 - February 2015) and would not be as long as if a state enrollment period was enacted (proposed one year period).

**Meetings the week of 7/27 – 8/2**

**SCIENCE, TECHNOLOGY AND TELECOMMUNICATIONS COMMITTEE/ July 29**  
Room 311, State Capitol

Wayne Sowell, director of Local Government Division DFA provided a presentation on the E-911 fund that is administered by DFA for local governments. The E-911 Program resides in the Local Government Division of DFA. The fund pays on behalf of local governments for costs of providing E-911. The funding source is generated from:

\$ .51 surcharge on landline telephones

\$ .51 surcharge on subscriber's wireless telephones

The State Board of Finance approves all E-911 expenditures. Department of Information Technology (DoIT) approves projects over \$100K.

E-911 Revenue was \$12M in FY13 and FY14 and \$12M budgeted for FY15. Expenditures were \$9.4M in operating expense. Expenses include: E-911 network, Database and Geographic Information Systems (GIS), Equipment, Maintenance and GIS and 911 training. E-911 funds only a portion of the total cost to provide E-911. Local governments fund the cost of such items as: Radio – repeaters, towers or mobile units; Computer Aided Dispatch (CAD); Purchase, lease or remodel of buildings. Local governments also cover overhead, such as: staff, benefits, utilities.

FY15 Budgets approved April 2014 by Board of Finance include \$232K for Capital Equipment and also \$10M in Operating Expenses. Anticipated FY15 projects and estimated costs include funding for Santa Fe at \$1.7M.

**NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD MEETING/ July 30**

La Terraza Meeting Room, Fourth Floor, La Fonda Hotel

The Northern NM CAB had invited Governor Terry Aguilar of San Ildefonso Pueblo to address the board and speak about any issues the Pueblo had that were related to LANL and that the CAB could be of assistance with or should be aware of. Governor Aguilar provided an overview of how the laboratory had taken over and restricted use of ancestral lands of the Pueblo when the facility was first created thus creating a forced relationship to be had between the two entities for the duration of its entire existence. The DOE and the Pueblo had most recently entered into an memorandum of understanding to define specific matters that the two parties are to begin addressing which are related to environmental issues, access issues, archeological and cultural issues, the

...continued contacts

**STATE LEGISLATURE**

**Legislative Council Service**  
411 State Capitol  
490 Old Santa Fe Trail  
Santa Fe, NM 87501  
(505) 986-4600  
(505) 986-4680 (Fax)  
[lc@nmlegis.gov](mailto:lc@nmlegis.gov)

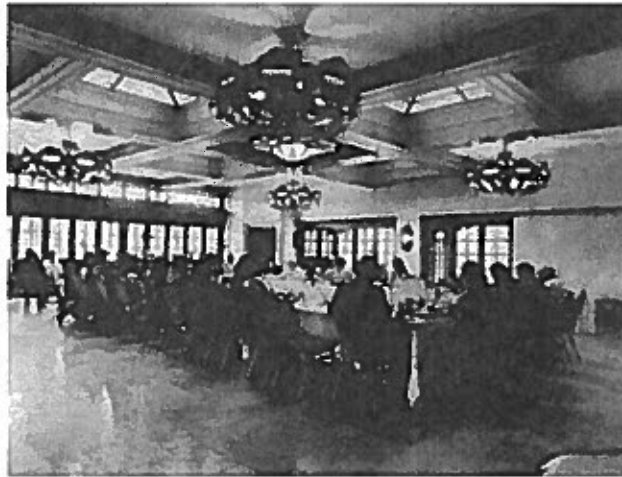
**Legislative Finance Committee**  
State Capitol North  
325 Don Gaspar, Suite 101  
Santa Fe, NM 87501  
(505) 986-4550  
[lfc@nmlegis.gov](mailto:lfc@nmlegis.gov)

**House of Representatives**  
Chief Clerk of the House  
Room 100 State Capitol  
Santa Fe, NM 87501  
Phone: (505) 986-4751

**Senate**  
Chief Clerk of the Senate  
Room 115 State Capitol  
Santa Fe, NM 87501  
Phone: (505) 986-4714  
[senate@nmlegis.gov](mailto:senate@nmlegis.gov)

chromium plume contamination issue and a variety of other matters. The Governor and the DOE informed the CAB that they would share any information related to environmental matters that may also be of concern of the communities represented by the board.

The CAB elected a new board president Doug Sayre replacing Carlos Valdez. Tessa Jo Mascarenas was added to the board as the representative for the City of Espanola.



**SANTA FE CITY COUNCIL/ July 30**  
**Council Chambers, City Hall**

A presentation from the North Central Regional Transit District was made by the executive director Tony Mortillaro and board president Dan Barrone. A piece of information regarding the voting power of the board representatives was provided during the presentation which claimed that the weighted voting power of the city may increase on the board due to recent annexation of once county area has increased the city's population and therefore increased the city's voting weight.

The council approved two resolutions relating to the state legislature. (1) A Resolution Calling on the New Mexico State Legislature to Take Immediate Action During the 2015 Legislative Session to Enact Legislation that Would Remove the Taxing Limitations Currently Imposed on Home Rule Municipalities. (2) A Resolution Calling on the New Mexico State Legislature to Take Immediate Action During the 2015 Legislative Session to Enact a Municipal Telecommunications Tax Act that Would Authorize Municipalities to Collect from Telecommunications Providers a Municipal Telecommunications Tax on the Telecommunications Provider's Gross Receipts from Telecommunications Service. The City Council voted to shift \$2 million that city officials had earmarked for the trail project at St. Francis Drive and West Alameda Street to other bicycle and pedestrian projects. Voters had approved the underpass in a 2012 bond election.

**RIO ARRIBA COUNTY COMMISSION MEETING/ July 31**

Rio Arriba County Annex, Espanola

The county commission passed Resolution No. 2015-010 which was a resolution related to SB 268/Hospital Funding and Healthcare Policy.

The resolution read:

WHEREAS, Rio Arriba County cares greatly about health care for our local citizens and value our local hospitals, particularly in rural areas; and

WHEREAS, counties have long played an integral role in providing health care services for our indigent residents; and

WHEREAS, for nearly 20 years counties have worked collaboratively with their local community hospitals in helping fund the Sole Community Provider program and in coordinating health care for their local citizens; and

WHEREAS, the Sole Community Provider program has now been replaced by the Safety Net Care Pool (SNCP), which provides funding for community hospitals for Medicaid base rate increases and uncompensated care for Medicaid patients; and

WHEREAS, the counties' role under the SNCP has been significantly diminished and their financial contribution to the SNCP no longer has any relationship to the funds disseminated by the Human Services Department (HSD) to the counties' respective community hospitals; and

WHEREAS, information provided by HSD regarding the SNCP has been confusing and often contradictory, and the distribution formula to community hospitals has been inequitable and difficult to ascertain; and

WHEREAS, finding a solution to funding the SNCP requires communication and cooperation among the various stakeholders—counties, hospitals, and the state, in both the legislative and executive branches; and

WHEREAS, the SNCP is part of the federal Medicaid program, and is therefore a state responsibility that should be fully funded by the state; and

WHEREAS, SB268, as passed by the legislature in 2014, required most counties to contribute the equivalent of a 1/12th % gross receipts tax (grt) increment to the SNCP, and was intended to be a three-year interim solution for funding that program; and

WHEREAS, the Governor's line item veto of the three-year limitation on county funding of SCNP will result in unlimited long term county financial responsibility for the program that will ultimately cost the counties hundreds of millions of dollars; and

WHEREAS, that long term county financial responsibility was neither authorized nor intended by the legislature in SB 268.

NOW THEREFORE BE IT RESOLVED THAT the Rio Arriba County Board of County Commissioners supports legislation that would accomplish one or more of the following:

- 1) increase the state budget to fully fund the new SNCP and amend SB268 to remove counties' responsibility to fund the SNCP;
- 2) transfer the new county 1/12th grt to the state to fund the SNCP;
- 3) consolidate particular existing county local option grt increments that are in many cases unused and unusable, and de-earmark others;
- 4) authorize a state hospital bed tax, the proceeds of which could be used to fund the SNCP, to be matched with federal funds;
- 5) to entertain other solutions that would remove the financing of hospitals from counties and place that responsibility with the state.

BE IT FURTHER RESOLVED THAT the Board of County Commissioners of Rio Arriba County authorizes the Healthcare Affiliate, to vote yes in support of the Health Care Policy Resolution.

**Meetings the week of 8/3 – 8/9**

**CAPITOL BUILDINGS PLANNING COMMISSION/ August 4**

Room 311, State Capitol

The Capitol Buildings Planning Commission provided an update about the Main Capitol Campus. CBPC adopted a five-year implementation strategy for the Main Capitol campus in 2008. Key elements of the strategy are to: Locate agencies that have been approved for relocation to or within the Main Capitol Campus (Public Regulation Commission, Auditor, Treasurer, Higher Education Department); Relocate agencies approved for campuses other than the Main Capitol Campus (Children, Youth and Families Department); Relieve overcrowding and addressing facility renewal across the campus. The CBPC five year plan recommends: Construct new owned facilities in the most cost-effective manner; relocate agencies from leased space to state-owned space; and begin as soon as possible to design, construct and relocate agencies. Goals for the 5 year strategy are: Relieve overcrowding in Bataan, North Capitol and the Capitol; House intended occupants in the Bataan Building (E.g. the Secretary of State, Auditor, Treasurer, Department of Cultural Affairs and Department of Veterans' Affairs); Move agencies currently in leased space into owned space (E.g., Auditor, Treasurer, Higher Education Department, Public Education Department, Office of the State Engineer and the Public Regulation Commission)

**EDGEWOOD TOWN COUNCIL MEETING/SFC ICIP PRESENTATION/ August 6, 2014**

Edgewood Community Center, Edgewood

A brief presentation was made to the mayor and town council about the County's ICIP process and the reason and need for the plan which lists these capital projects. The mayor had mentioned that he was pleased to have the county be present and provide this information to the governing body and the residents of the town and that he hoped to continue to work with the County on projects that would best be completed through cooperation. The only project mentioned by the mayor and council that was a current project needing current Town and County support was the extension of the waste water infrastructure. Contact information was provided to attendees of the meeting to contact the County if there were any additional projects wanting to be added to the ICIP list.

**Meetings the week of 8/10 – 8/16**

**SANTA FE CITY COUNCIL/August 13**

Council Chambers, Santa Fe City Hall

The city council passed a resolution adopting the 2016-2020 Infrastructure Capital Improvements Plan (ICIP) for the city.

The city council passed a resolution "calling on Our State Legislative Delegation to Request a State Attorney General's Opinion to Clarify the Taxing Power a Home Rule Municipality Possesses Pursuant to the N.M. Constitution and Statutory Law and Whether a Home Rule Municipality has the Authority to Impose a Tax on Items that Are Not Expressly Prohibited from Taxation Pursuant to State Law".

**REDI NET BOARD OF DIRECTORS MEETING/August 14**

City of Española, 405 N. Onate, Española

The board approved unanimously the proposed REDI Net and Los Alamos County Meet Points Agreement. These meet points were made available through set aside funding from Los Alamos County that directed LAC staff to enter into an agreement with REDI Net to provide meet points and Ethernet transport to provide high



speed network access within business districts in White Rock and Los Alamos. Dedicated funding for the meet points was in the amount of \$250,000 from LAC.

LOS ALAMOS COUNTY COUNCIL MEETING/ August 15

Council Chambers, Los Alamos County Administration Building

The Los Alamos County council approved "AGR0321-14, Contract for General Services, Agreement No. AGR15-4142 with REDI Net in the Amount of \$250,000, plus Applicable Gross Receipts Tax, for the Purpose of Developing Fiber Meet Points in Business Districts".

Santa Fe County is a partner government of REDI Net.

REGIONAL COALITION OF LANL COMMUNITIES MEETING/August 15

Santa Fe County Commission Chambers

Michelle Jaquez Ortiz of Senator Udalls' Office briefly stated that Energy Secretary Moniz was in New Mexico on August 11 and 12. He had numerous meetings throughout the state and also had a surface tour of the WIPP site. Senator Udall is working with Congressman Heinrich on full funding for the cleanup.

The executive director reported that he and others from the Regional Coalition attended the ECA's Peer Exchange on Next Steps for Nuclear Energy Conference in Las Vegas, Nevada.

Dr. Terry Wallace, LANL WIPP Recovery Leader and Principal Associate Director for Global Security conducted a presentation on Radiological release at WIPP.

**Meetings the week of 8/17 – 8/23**

SANTA FE PUBLIC SCHOOLS BOARD MEETING/August 19

ESC Building, 610 Alta Vista Street, Santa Fe

Board President Carrillo provided comments on the recent admission by the State Education Departments that teacher evaluations done for SFPS teachers may have been flawed and therefore did not provide an accurate rating of teachers. He thanked staff who researched the findings and presented the information back to PED to make corrections. Superintendent Boyd explained that first day of school issues were minimal in the past few days and that no major issues had been experienced. Teacher vacancies were also very minimal at only 6 spots needing to be filled district wide. As students become settled into their schools and classes a reassessment will be completed to see if class sizes are too large or too small and this may result in the need for more teachers. This reassessment will take place over the next 20 days. The board passed several resolutions at the meeting.

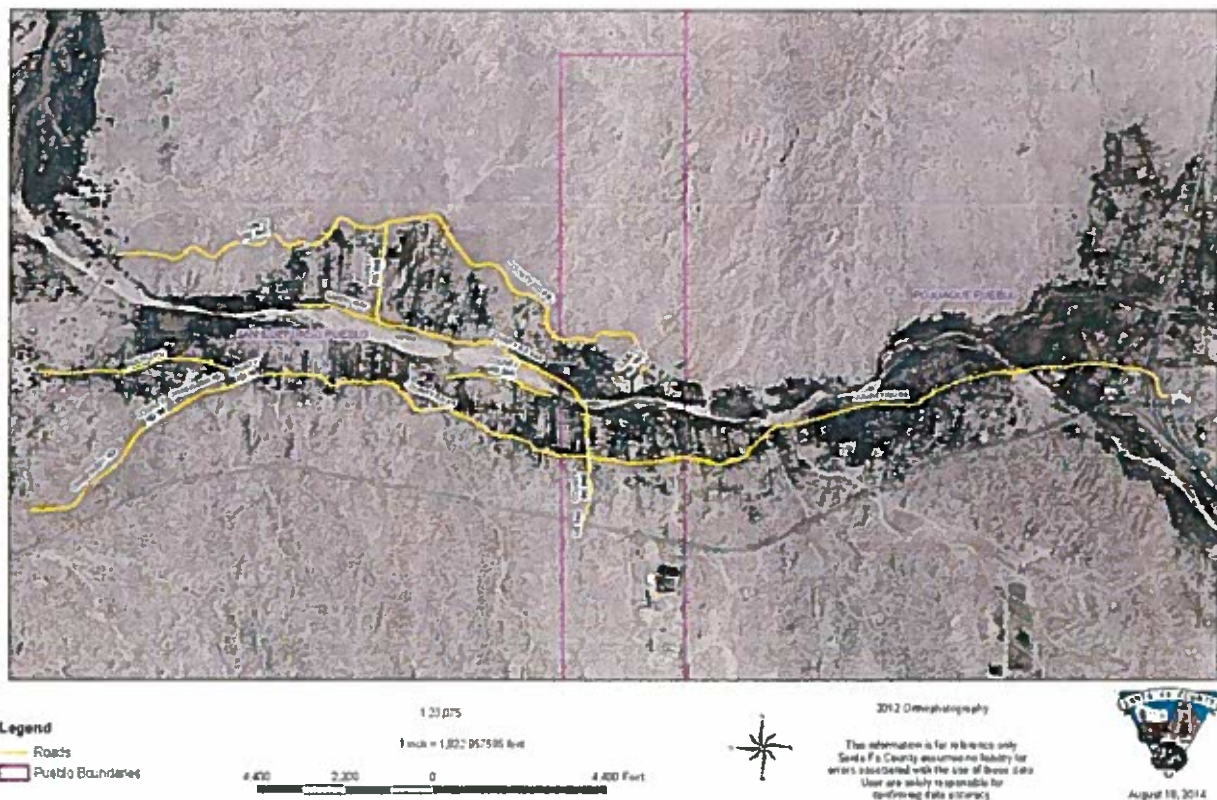
- Consolidation of SFPS and SFCC school election for February 3 2015
- Student pledge against gun violence.
- Legislative Issues to be approved for presentation to the NM School Board Association



PUEBLO OF SAN ILDEFONSO/ EL RANCHO COMMUNITY OUTREACH MEETING/ August 21

6th Grade Academy Pojoaque Schools Meeting Room

A meeting was held to communicate information of a land survey that is to be undertaken to specifically address the location and boundaries of County Road 84, County Road 84-A, County Road 84-B, County Road 84-C, County Road 84-D, and Sandy Way(not a county road). This meeting was hosted by Santa Fe County and the Pueblo of San Ildefonso. Elected officials in attendance were US Representative Ben Ray Lujan, State Representative Carl Trujillo, State Senator Carlos Cisneros. It was reported that the survey was to begin within the next few weeks and was to complete by February 2015. It could not be determined what if any subsequent actions could be taken once the land survey had been completed other than that the information would be shared with members of the community. Future community meetings on this same issue are planned throughout the progress of the survey as it is being conducted but no dates for future meetings have been set as of yet.



**Meetings the week of 9/1 – 9/7**

NCRTD MEETING/September 5

NCRTD Building, Espanola

On September 16, 2004, the NCRTD was approved and certified as the first Regional Transit District in the state by the New Mexico Department of Transportation following legislative enactment in 2003 of NMSA 1978, Section 73-25-1 et seq. that allowed the formation of Regional Transit Districts to provide safe and efficient public transit systems.

The NCRTD is entering the 10th year since its establishment as the first Regional Transit District in the State of New Mexico.

The NCRTD files for Federal grants that pass through NMDOT each year. The 5311 grant supplies funding for administrative, operating, and capital for qualifying rural recipients. This year, NMDOT is requiring a Board Resolution acknowledging that the local agency is willing to provide the local match required. The FFY16 5311 application that was due to NMDOT by September 5, 2014, and must be filed in

order to receive Federal fiscal year 2016 5311 funds. The NCRTD is requesting \$4,475,405 administrative, operating and capital funds. The Federal share is \$2,891,568, and the NCRTD share is \$1,583,837. The Executive Director to purchase 1-34 passenger buses in the amount of \$150,490.00 from National Bus Sales.

Recently the NCRTD updated its five year Short Term Transit Service Plan which was adopted by the Board in April, 2014. During the development of the Fiscal Year 2015 Budget Staff requested funding from the New Mexico Department of Transportation Rail and Transit Division and was awarded a grant amount of \$64,000 representing 80% of the estimated cost (\$80,000) for the preparation of a LRTSP. After approval of the budget incorporating the funds for the LRTSP, staff prepared a Request for Proposals (RFP) and provided a legal notice in the Albuquerque Journal and Rio Grande Sun announcing the RFP solicitation. The RFP was issued on June 16, 2014 and proposals were due on August 15, 2014. Two proposals were submitted. A selection committee determined that both proposals did merit further consideration. The two proposers were invited to continue in the process and to present their proposals in an interview process to the selection committee on August 29, 2014. Based upon the results of the two processes the selection committee recommended award to Felsburg, Holt & Ullevig

The NCRTD began recently participating in the LGIP government investment fund, known as the New MexiGROW Local Government Investment Pool or LGIP, and Other Certificate of Deposits from Local and surrounding banks in New Mexico. The NCRTD established the short term investments (no more than 12 months) throughout various FDIC insured institutions in the state of New Mexico. The total amount set for investment totaled approximately \$5,975,492 and a total overall cash balance of \$7,428,077, including the NCRTD operating account of approximately \$1,226,891. (NCRTD has 2.15x in operating liquidity funds).

NCRTD Staff continues to work with all interested parties related to the request for transit service from the City of Santa Fe to Santa Fe National Forest and Ski Santa Fe. It is expected to continue conversations with stakeholders, vehicle vendors and others in the near future. There were two follow up meetings in August 2014 in regard to potential services. Additional meeting with fiscal agents will be scheduled in order to look at how and when this service can happen.

The North Central Regional Transit District (NCRTD) is currently reporting nearly 2 month of financial activity. The standard for expenses that should be spent for the 2 month's period is 17% of the budget. The month of August does not reflect all expenses because the Finance Department will continue to process invoices that continue to float in from the end of the month and the District is continuing to also process revenue income as reported. The GRT revenues are reported for the month of activity it has occurred. The State of New Mexico Taxation and Revenue reports this revenue for distribution 2-3 months after the actual receipt. Therefore we report activity in the month it has occurred following GASB (Governmental Accounting Standards Board) and NCRTD utilizes accrual

basis of accounting. We will not see the GRT revenue for July until September 2014. No Revenue has been posted in relation to GRT nor Grant funds. The NCRTD will be commencing a financial audit on October 6.





**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

## MEMORANDUM

**DATE:** September 8, 2014

**TO:** Board of County Commissioners

**FROM:** Willie R. Brown, Assistant County Attorney

**VIA:** Katherine Miller, County Manager

**ITEM &  
ISSUE:** BCC Meeting September 30, 2014

AN ORDINANCE AMENDING AND RESTATING ORDINANCE 2012-12 AS AMENDED, AN ORDINANCE ENACTING A SANTA FE COUNTY CODE OF CONDUCT; AND REPEALING ORDINANCE NO. 2011-9. (FIRST PUBLIC HEARING)

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### SUMMARY:

The purpose of this ordinance amendment is twofold: *first*, it provides substantial amendments to the text of the current Code of Conduct; *second*, it takes the 2011 BCC amendments to the Code of Conduct and, together with the proposed new amendments, rolls them all into one seamless Code of Conduct for easier use. This "restated" Code of Conduct, if adopted by the BCC, would be the new Code of Conduct applicable to Elected Officials, Volunteers, Employees and Appointed Officials.

### BACKGROUND:

The Santa Fe County Ethics Board, working with the assistance of Assistant County Attorney Willie Brown, has met no fewer than 16 times over two years to review, discuss and consider proposed amendments to the current Code of Conduct Ordinance and its 2011 BCC amendment. The proposed changes will clarify and strengthen the existing ordinance. At its August 26, 2014 meeting, the BCC voted unanimously to publish title and summary of this ordinance and directed staff to schedule the matter for two public hearings. Accordingly, staff scheduled the two hearings to occur on September 30<sup>th</sup> and October 28<sup>th</sup>. This is the first of the two public hearings. Additionally during the August 26<sup>th</sup> meeting, staff made a presentation of the proposed changes to

the subject ordinance which resulted in discussion of the ordinance by the BCC. On the basis of that discussion, two edits were made to the ordinance and Paragraphs 14 and 15 were added below to summarize the edits.

### **DISCUSSION:**

In order to have a seamless, restated Code of Conduct, the amendments to the current Code in Ordinance 2011-9, which is an Ordinance Enacting Amendments to Ordinance No. 2010-12, would have to be rolled into a single-standing Code of Conduct. To do this, Ordinance 2011-9 would have to be repealed and its text restated in and moved to the new Code of Conduct.

All language from the 2011 BCC amendment is highlighted in **green** for easy detection. Likewise, all edits agreed to by both the Ethics Board and staff is highlighted in **yellow** for easy detection. Lastly, all edits proposed by the Ethics Board but not agreed to by staff, is highlighted in **turquoise**. Perhaps as a testament to the collaborative efforts of the Ethics Board and staff, there was very little that was not agreed to, and hence, there is very little text highlighted in turquoise.

### **As can be seen:**

1. The proposed text amended or clarified several definitions: (e.g., it clarified "Anything of Value" related to gifts, "Candidate" in line with the Campaign Reporting Act, "Elected Official," "Family," "Financial Interest," and "Complaining Party,"). It added new definitions for "County's Contract Ethics Official or CCEO" and "Respondent".
2. The proposed text clarified the obligations and restrictions of former Elected Officials, Appointed Officials or Employees once they leave the County. This was done to align those requirements with the requirements set forth in the state Governmental Conduct Act, which became applicable to local governments on July 1, 2011.
3. It clarified the limitations related to conflicts of interest in the context of the Procurement Code as well as in the context of receiving anything of value or campaign contributions from those who do business with the County.
4. It clarified the requirements in the section on Political Activity to align with current law. Likewise, it clarified the requirements in the section on Prohibited Uses of Campaign Funds to align with current law, primarily the Campaign Reporting Act.
5. The proposed amendments clarified how complaints are made and to whom, and how they are processed and by whom. Significantly, it clarified that an ethics complaint against a County Employee must be forwarded to the Human Resources Division for investigation and resolution.
6. The proposed amendments established elaborate due process procedures to ensure that the process of bringing a complaint to a hearing is fair and transparent, and afford a Respondent charged with an infraction the basic rights of notice, opportunity to be heard, opportunity to be represented by an attorney, opportunity to examine all evidence, opportunity to present their side of the story through witnesses and documents, and opportunity to cross-examine all witnesses who testify against them.



7. The proposed amendments clarified that the Ethics Board, as part of their duties, can make recommendations to the BCC regarding ethics training; that the Ethics Board cannot subpoena witnesses to hearings but can compel the attendance of the County Employees to attend hearings which would be done via a notice through that employee's chain of command.
8. It proposes to add a provision that any Ethics Board member who petitions its board for a hearing or advice on their own conduct or that of others, they are not eligible to sit on the Ethics Board in such cases.
9. To align with the meetings of other County committees, it clarifies that meetings shall be no more often than necessary to carry out their work, but no less frequent than quarterly.
10. It clarifies that an Ethics Board member may be removed by the BCC for a reason related to the member's administration of the Code of Conduct or for any other reason that implicates the member's fitness to serve on the Ethics Board.
11. It clarifies the protections afforded to County Employees from retaliation for cooperating in an ethics case; also, it provides a strong cautions to employees who would file an ethics complaint based on false statements.
12. It provides that an Elected Official or Appointed Official, who fails to recuse themselves after being notified of the grounds for recusal as described in Section 28(B) of the Code of Conduct, may be considered to have committed a violation of the Code.
13. The Code of Conduct provides the statutory penalties of violations of the Governmental Conduct Act, violation of which is a misdemeanor.
14. The definition of "Anything of Value" was tweaked to exclude the provision of alcohol to any BCC member who attended a statewide conference hosted by the New Mexico Association of Counties or who attended a national conference hosted by the National Association of Counties.
15. Under Section 6, the Public Trust provision, a new subsection was added that quotes the provision of the New Mexico Constitution containing the oath required to be taken by all elected officials.

**Where staff did not agree with language proposed by the Ethics Board:**

1. Staff opposes language found on page 17 in which the Ethics Board is afforded a specific and independent right to bring their own sworn complaints against those who they believe have violated the Code of Conduct. Staff opposed this proposed language for a variety of reasons, least not of which is that it would dilute their membership in that any member bringing a complaint would have to be disqualified from sitting as a "hearing officer" on the Ethics Board during the hearing. Also, permitting Ethics Board members to bring their own complaints would transform their deliberative role as a tribunal to one of investigator, advocate and witness. Additionally, any Ethics Board who brought a case and testified in their own case is likely to be treated more favorably as a reliable and trustworthy witness by the remaining members of the Ethics Board than any opposing witness. This

could give rise to a due process challenge from a person facing ethics charges before the Ethics Board.

2. Staff also opposes language found on the bottom of page 17 in which *anonymous* complaints received by staff must be turned over to the Ethics Board. Staff opposed this proposed language for two reasons. First, since the Ethics Board can only consider sworn complaints, they have no jurisdiction over unsworn “anonymous” complaints. Given that anyone can file an anonymous complaint which can be based on rumor, belief, opinion or personal animus against an Elected Official, Appointed Official, County Employee or Volunteer, it serves no useful purpose to provide the Ethics Board with such complaints that they would have no jurisdiction to investigate or deliberate over. Secondly, because the dissemination of anonymous complaints could ruin a person’s career or at the very least put them in a false light to the public, it would appear to be prudent to limit the dissemination of anonymous complaint not expand it. Anonymous complaints, as public records, should be retained by the County for a minimum period of time and then destroyed. In short, they should not be disseminated to the Ethics Board who might further disseminate them or even discuss their contents during open meetings.

**ACTION REQUESTED:**

Authorize the publication of title and general summary of the referenced Ordinance.

**Attachments**

1. Draft of the proposed amended Code dated 8/14/14;
2. Within the proposed Code, note the color codes used to distinguish the source of the various proposed changes:

-Yellow highlights indicate changes proposed by the Ethics Board *and* County staff

-Turquoise highlights indicate Ethics Board proposed changes *opposed* by County staff

-Green highlights indicate changes previously adopted by the BCC in Ordinance 2011-9



THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

ORDINANCE NO. ~~2010-12~~ 2014-

**AMENDING AND RESTATING ORDINANCE 2010-12 AS AMENDED**

**AN ORDINANCE ENACTING A SANTA FE COUNTY CODE OF CONDUCT; DEFINES TERMS USED IN THE CODE; DESCRIBES CONFLICTS REQUIRING DISCLOSURE AND REQUIRES DISCLOSURE OF CONFLICTS; CREATES A FIVE-MEMBER ETHICS BOARD AND ESTABLISHES THEIR DUTIES; DESCRIBES PROHIBITED ACTIVITY; CREATES COUNTY'S CONTRACT ETHICS OFFICIAL POSITION TO PROSECUTE CHARGES; PROVIDES MECHANISM FOR PUBLIC COMPLAINTS, CHARGING AN INDIVIDUAL FOR VIOLATIONS, AND DETAILED PROCEDURES FOR CONDUCTING A HEARING TO DETERMINE VIOLATION OF CODE; PROVIDES PENALTIES FOR VIOLATIONS OF CODE; AND REPEALING ORDINANCE NO. 2004-3 AND ORDINANCE NO. 2011-9**

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY:

**SECTION 1. SHORT TITLE.**

This Ordinance may be cited as the "Santa Fe County Code of Conduct."

**SECTION 2. DECLARATION OF POLICY.**

The proper and effective exercise of the democratic process and of democratic government requires that Elected Officials, Appointed Officials, Employees and Volunteers of Santa Fe County government be independent, impartial and responsible to the people; that decisions of the government and development of policy are made fairly, legally and as the result of a fair and open process; that public office or the pursuit of public office should not be used for personal gain or influence; and that the public have and maintain confidence in the integrity of government. To assist in attaining these goals, this Ordinance establishes a code of conduct and establishes minimum standards for ethical behavior for all Elected Officials, Appointed Officials, Employees and Volunteers of county government. This Ordinance also establishes the highest guidelines for standards of ethical behavior for all Candidates for elected office, Elected Officials, Appointed Officials, Employees and Volunteers, by setting forth explicit standards of conduct and ethical behavior, explicitly describing acts which are inconsistent with these standards, and by requiring candidates for elected office, Candidates, Elected Officials, Appointed Officials, Employees and Volunteers to disclose personal interests, financial or otherwise, in matters of the County, and to remove themselves from decision-making when such interests exist.

**SECTION 3. RESPONSIBILITY OF PUBLIC OFFICE AND EMPLOYMENT.**

Elected Officials, Appointed Officials, Employees and Volunteers hold office or employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the New Mexico Constitution and the Laws of the State of New Mexico; to observe the highest standards in the exercise of the powers and duties of office or employment; to impartially carry out their duties; to discharge faithfully the duties of office regardless of personal considerations; and to recognize that the public interest must be the prime objective.

#### SECTION 4. DEFINITIONS.

A. “Administrative Action” means action based upon the application, or interpretation of a County Ordinance or a state statute, or a proceeding involving a license, permit, franchise or development use.

B. “Anything of Value,” “benefit” or “thing of value” includes all matters, whether tangible or intangible, that could reasonably be considered to be of advantage or worth, use or service to the person to whom they are conferred, and, except for transportation and related travel expenses, having an aggregate market value of over \$25 if received from any one person or entity at one time, an aggregate value of more than \$50 if received from the same person or entity in a single calendar year, and any alcoholic beverage regardless of its value. “Anything of value,” “benefit” or “thing of value” further includes, if having an aggregate market value over \$25: (i) money, including campaign contributions or pledges; (ii) products or merchandise; (iii) works of art or collectibles; (iv) stocks, bonds, notes or options; real property or an interest in real property; contracts or a promise of a future interest in a contract; (v) an interest or a promise of a future interest in a business; (vi) meals whose total value exceeds twenty-five dollars (\$25), non-alcoholic beverages or lodging, excepting meals provided in connection with an event produced by a non-profit charitable organization or a public event where the person attending is serving in a political or official capacity; (vii) transportation and related travel expenses not to exceed fifty twenty five fifty dollars (\$5025 50) per trip; (viii) services, including loaned employees; (ix) loans, loan guarantees or co-signing; (x) loans at below market interest; (xi) forgiveness of a debt; (xii) discounts or rebates not extended to the public generally; (xiii) preferential treatment; (xiv) tickets of admission; (xv) paid compensation not commensurate with the fair and reasonable value of the services rendered; (xvi) free or discounted use of office equipment and facilities; (xvii) intentional overpayment or knowing duplicate payments for expenses or costs; (xviii) radio or television time which is not paid at fair market value; (xix) promise or offer of present or future employment; (xx) use of autos, boats, apartments, or other recreational or lodging facilities; (xxi) intangible rights such as a cause of action; (xxii) licenses, patents, intellectual property, copyrights, or an interest in them; and (xxiii) any other item, tangible or intangible, having economic value. “Anything of value,” “benefit” or “thing of value” does not include political endorsements, support in a political campaign or a promise of an endorsement, political activities, or political support. “Anything of value,” “benefit” or “thing of value” does not include political endorsements, support in a political campaign or a promise of a campaign contribution, an endorsement, political activities, political support or a campaign contribution. It also does not include conference-related items such as a tote bag given to all attendees at a conference paid for by the County; nor does it include the provision of alcoholic beverages or reimbursement of food, lodging and transportation expenses paid for by the New Mexico Association of Counties (NMAC) for attendance by Commissioners of the



Board of County Commissioners at NMAC's statewide conferences or for their attendance at National Association of Counties conferences.

C. **"Appointed Official"** means a person who is not an Elected Official or County Employee and has been appointed by the Board of County Commissioners to serve on a County Board, Commission, or Committee established by the Board of Commissioners, or to perform other functions at the request of the Board of County Commissioners.

D. **"Board of County Commissioners" or "Board"** means the Board of County Commissioners of Santa Fe County.

E. **"Candidate"** means a person who: (i) has filed a declaration of candidacy for a position as an Elected Official of Santa Fe County; ~~A Candidate is a Candidate from the time of filing the declaration of candidacy until the election. A person is also a Candidate under NMSA 1978, §1-19-26(E) of the Campaign Reporting Act if that person: (i) (ii) has received contributions or made expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to office, or (iii) has authorized another person or campaign committee to receive contributions or make expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to a County office. A Candidate is a Candidate from the time of filing the declaration of candidacy until the election.~~

F. **"Confidential Information"** means information that ~~has been classified as confidential~~ by law or practice is not available to the public.

G. **"Conflict of Interest"** means a situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of the duty or that may be perceived as conflicting with the exercise of the duty.

~~H. "Contract" means an agreement between two or more parties, whether express or arising by operation of law.~~

I. **"County's Contract Ethics Official ("CCEO")** a licensed attorney under contract with the County who investigates ethics complaints, and if substantiated and charged by the Ethics Board, administratively prosecutes the individual charged with violation of the Code of Conduct.

J. **"Employee" or "County Employee"** means a person who is employed, in any capacity, by the County of Santa Fe.

K. **"Elected Official"** means a member of the Board of County Commissioners, the County Clerk, the County Treasurer, the County Sheriff, the County Assessor, ~~the County Surveyor, including a Candidate for those positions,~~ but does not include the County Probate Judge.

L. **"Ex parte communication"** means a direct or indirect communication with a party or the party's representative outside the presence of the other parties concerning a pending

adjudication that deals with substantive matters or issues on the merits of the proceeding. *Ex parte* communications do not include statements that are limited to providing publicly available information about a pending adjudication or solely related to the status of the proceeding.

**LM. "Family"** means an individual's spouse, domestic partner, parent, child, sibling and like in-laws, by consanguinity or affinity, those relatives within the third degree as determined by the common law, and persons, related or unrelated, living within the household. Those related to someone in "the third degree" usually refers to great-grandparents, great-grandchildren, aunts, uncles, nieces and nephews whether by blood or by marriage.

**MN. "Financial Interest"** means any interest of an Elected Official, an Employee, an Appointed Official, a Volunteer, that is: (i) an ownership interest or other interest in any contract or prospective contract with the County; (ii) an interest in the sale of real or personal property to or from the County; (iii) a financial relationship with a person or business whose interests may be affected by the County; (iv) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property to or from the County; or (v) any other interest that may be affected by the County. An interest held in joint or concurrent ownership with by the Elected Official's, Appointed Official's, Volunteer's, or Employee's spouse or minor children shall be considered an interest of that person the Elected Official, Appointed Official, a Volunteer, or Employee for purposes of this Ordinance.

**NO. "Immediate Family"** means a spouse, domestic partner, child of a sibling, a parent, a grandparent, a grandchild, like in-laws, and like step-relationships.

**OP. "Non-public Information"** means information that is obtained in the course of an Elected Official's, Appointed Official's, Employee's or Volunteer's duties and is subject to public inspection under state law, but that, because of its nature, is not readily accessible to the public; and if used or disclosed, a personal benefit or advantage is likely to result.

**PQ. "Party" or "Complaining Party"** means a person who has submitted to the County an application seeking affirmative relief; a person who has filed a formal ethics complaint or protest; a complaining party who has submitted an ethics complaint is considered a party once the County Ethics Board issues a notice of hearing to the respondent named in the ethics complaint, person who is the subject of a formal complaint or investigation; and members of the general public who participate in a pending adjudication.

**QR. "Pending adjudication"** means any application, petition, complaint, protest, investigation or other administrative adjudicatory proceeding requiring decision or action by the Board of County Commissioners, the Land Use Administrator or the County Planning Commission.

**RS. "Personal benefit"** means the obtaining or the promise of obtaining anything of value.



S. "Political action" means conduct in which Elected Officials or Appointed Officials use their official positions to exercise influence on County Employees, Elected Officials or Appointed Officials; the phrase includes intervention on behalf of constituents with a governmental agency, and endorsement, pledging support, or actively supporting a County governmental matter, a nominee or a candidate for public office.

T. "Respondent" means a person named in a formal ethics complaint that has been submitted to the County Ethics Board by a Complaining Party;

TU. "Volunteer" means a person who provides services to or on behalf of the County without being paid and without expectation of payment, and includes a volunteer firefighter or emergency responder (notwithstanding receipt of reimbursement for expenses pursuant to the volunteer recruitment and retention incentive program), a volunteer member of the Sheriff's reserve, any other volunteer who is not supervised or monitored by a County employee or Elected Official, a volunteer who has the authority to make decisions that affect County business, or a volunteer who has the ability to purchase goods or services with County resources.

## SECTION 5. NON-PARTISANSHIP.

All actions, decisions and votes on matters relating to the County government shall be made on the merits. Decisions shall be made objectively, and without party or political partisanship considerations, and without facts which are not directly and properly related to the matter requiring action.

## SECTION 6. PUBLIC TRUST.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall Act according to the highest principles of representative democracy to ensure that County government is worthy of public respect, trust and support.

B. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in conduct that they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception that they have used their public positions improperly, unethically or otherwise have not conducted themselves in accordance with the standards of conduct of this Ordinance.

C. Pursuant to Article 20 of the New Mexico Constitution, "Every person elected to any office shall, before entering upon his [or her] duties, take and subscribe to an oath or affirmation that he [or she] will support the constitution of the United States and the constitution and laws of this state, and that he [or she] will faithfully and impartially discharge the duties of his [or her] office to the best of his [or her] ability."

## SECTION 7. CONDUCT AVOIDING THE DUTY TO AVOID IMPROPRIETY.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall avoid conduct that creates the appearance of impropriety or that is otherwise unbefitting a public official.

B. Elected Officials, Appointed Officials, County Employees and Volunteers shall not knowingly engage in conduct that violates the rights of others to be treated fairly and with dignity and respect.

C. Elected Officials, Appointed Officials, Employees and Volunteers shall use the powers and resources of public office/public employment only to advance the public interest and not to obtain personal benefits or pursue private interests, and shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service. refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable inference that such office has been used for private benefit.

#### **SECTION 8. LIMITATIONS ON EMPLOYMENT WITH AND APPEARANCE BEFORE THE COUNTY FOLLOWING GOVERNMENT SERVICE.**

A former Elected Official, Appointed Official or Employee shall not represent a person in dealings with Santa Fe County government on a matter in which the former Elected Official, Appointed Official or Employee participated personally and substantially while an Elected Official, Appointed Official or Employee for a period of one year following termination of service or employment. An Elected Official, Appointed Official or Employee participates in a matter personally and substantially for purposes of this Section when the Elected Official, Appointed Official or Employee is in a decision-making capacity during the government service and has the capacity to affect the outcome of the matter while an Elected Official, Appointed Official or Employee. Incidental contact with a matter, or supervisory control over persons with direct control over a matter, is not personal and substantial for purposes of this Section.

A. A former Elected Official, Appointed Official or Employee shall not for pay represent a person in dealings with Santa Fe County government for one year after leaving County service or employment.

B. A former Elected Official, Appointed Official or Employee shall not ever represent a person in dealings with Santa Fe County government after leaving County service or employment on a matter in which that person participated personally and substantially while a County Official or Employee.

C. Santa Fe County government shall not enter into a contract with or take action favorably affecting, any person or business that is:

1. Represented personally in the matter by a person who has been was serving as a County Official or Employee within the preceding year, if the value of the contract or action is greater than one thousand dollars (\$1,000) and the contract was a direct result of an official act by the County Official or Employee; or



2. Assisted in the transaction by a former County Official or Employee of the County whose official act, while in service of or employment with the County, directly resulted in the County making that contract or taking that official action.

## **SECTION 9. PROHIBITED FINANCIAL INTEREST IN COUNTY BUSINESS; DISCLOSURE.**

A. No Elected Official, Appointed Official, Employee or Volunteer may have a Financial Interest, as defined in Section 4 of this Ordinance, if the Elected Official, Appointed Official, Employee or Volunteer is in a decision-making capacity with respect to the Financial Interest.

B. Elected Officials, Appointed Officials, and County Employees who have any Financial Interest shall disclose such interest by filing a Disclosure of Interest Form as described in Section 1819 of this Ordinance and recording same with the County Clerk and by disclosing the interest as also otherwise provided in Section 19 this Ordinance or by Law, and shall thereafter be disqualified from participating in any debate, decision or vote relating thereto.

## **SECTION 10. CONFLICTS OF INTEREST; DISCLOSURE.**

A. Elected Officials, Appointed Officials, Employees or Volunteers shall strictly avoid transactions and relationships that create a Conflict of Interest. Where a Conflict of Interest is unavoidable, the Elected Official, Appointed Official, Employee or Volunteer shall have an affirmative duty to disclose the Conflict of Interest and shall have an affirmative duty to subordinate the conflicting interest to the public interest.

B. A Conflict of Interest for purposes of this Section includes receipt by an Elected Official, Appointed Official or employee of Anything of Value from a person or business doing business with the County, contracting with the County, regulated by the County, has having an application pending before the County, or having an interest that whose interests may be affected by the County. It shall be sufficient to determine whether a person or business is doing business with the County if the Elected Official, Appointed Official, Employee or Volunteer: (i) asks the person or business to verify if they are doing business with the County, or (ii) asks the County Procurement Manager to verify if the person or business is doing business with the County. Either method of verification should be documented in writing.

B. Elected Officials, Appointed Officials, Employees or Volunteers shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or political supporters, or to hinder or punish enemies and opponents.

C. Elected Officials, Appointed Officials, Employees or Volunteers shall assure that constituents and others who may be affected by decisions of the County have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the Elected Official, Appointed Official, Employees or Volunteer.



D. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different service if gifts, personal benefits or political or charitable contributions are provided.

E. Elected Officials, Appointed Officials, Employees and Volunteers shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or Anything of Value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result. Nor may Anything of Value be solicited or received from a person or business doing business with the County, contracting with the County, regulated by the County, has an application pending before the County, or whose interests may be affected by the County.

F. C. This subsection governs the acceptance of things of value and campaign contributions from County contractors and prospective contractors.

1. Subject to the considerations listed below, Elected Officials, Appointed Officials or their Employees shall not accept Anything of Value from a person, business, or other entity when the Elected Official, Appointed Official, or Employee knows or reasonably should know that said person, business, or entity does any business with the County, desires to do business with has submitted procurement documents to be awarded a contract with or purchase order by the County, or contracts with the County, is regulated by the County, has an application pending before the County, or whose interests may be affected by the County. Also,

2. An elected County Official, or that Official's employees, are subject to certain prohibitions set forth in Section 13-1-191.1(E) of the Procurement Code. That section prohibits a prospective contractor, a representative of a prospective contractor, a family member of a prospective contractor, or the owner of a prospective contractor, from giving a campaign contribution or other thing of value to an Elected County Official or to that Official's employees during a set time period. For purposes of these prohibitions and the set time period:

a. a "prospective contractor" is a person or business that has submitted a competitive sealed proposal in response to the issuance of an RFP, or is not required to submit a competitive sealed proposal for a contract with the County because that person or business qualifies for a sole source or small purchase contract;

b. the prohibitions are applicable during the pendency of the procurement process, or during the pendency of negotiations for a sole source or small purchase contract; and

c. "pendency of the procurement process" is the time period starting with the public notice of a Request for Proposals (RFP) and ending with award of the contract, or cancellation of the RFP.

3. Elected Officials or their Employees shall not accept a campaign contribution that in the aggregate totals more than \$100 from a person, business, or other entity when the Elected Official or their Employees know or reasonably should know that said person, business, or entity has been awarded or is under a contract with the County.



4. Appointed Officials and those Employees not under the direct supervision of an Elected Official, shall not accept Anything of Value from a person, business, or other entity when the Appointed Officials and those Employees not under the direct supervision of an Elected Official know or reasonably should know that said person, business, or entity has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County.

5. It shall be sufficient due diligence to determine whether a person or business is doing business with the County if the Elected Official or their Employee: (i) asks the person or business to verify if the person or business has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County; (ii) asks the County Procurement Manager to verify if the person or business has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County. Either method of verification shall be documented in writing. Any such due diligence determination and disclosure shall be completed within seven (7) calendar days of receipt of Anything of Value, or alternatively, the Elected Official or their Employee may return the thing of value or campaign contribution within seven (7) calendar days of receipt.

D. This subsection governs the acceptance of things of value and campaign contributions from those with a pending application before the county or an appeal.

1. Elected Officials, Appointed Officials or Employees shall not accept Anything of Value from a person, business, or other entity when the Elected Official, Appointed Official, or Employee knows or reasonably should know that said person, business, or entity does any business with the County that requires the filing of an application for either a license, permit or other land use approval and the application for issuance of that license, permit or other land use approval is pending before the County or under appeal.

2. It shall be sufficient due diligence to determine whether a person or business has an application for a license, permit or other land use approval pending before the County, if the Elected Official, Appointed Official, or Employee: (i) asks the person or business to verify if they have an application for a license, permit or other land use approval pending before the County, or (ii) asks intake persons in the County Land Use Office to verify if the person or business has an application for a license, permit or other land use approval pending before the County. Either method of verification shall be documented in writing. Any such due diligence determination and disclosure shall be completed within seven (7) calendar days of receipt of Anything of Value, or alternatively, Elected Official, Appointed Official, or Employee may return the thing of value within seven (7) calendar days of receipt.

## **SECTION 11. PROHIBITED ACTIVITIES.**

A. Elected Officials, Appointed Officials, Employees or Volunteers shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or campaign contributors political supporters, or to hinder or punish enemies and opponents. All hiring or promotion shall be based upon

documented merit about a person and not upon that person's relationship or friendship with an Elected Official, Appointed Official, Employee or Volunteer.

B. Elected Officials, Appointed Officials, Employees or Volunteers shall assure that constituents and others who may be affected by decisions of the County have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the Elected Official, Appointed Official, Employees or Volunteer.

C. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different service if gifts, personal benefits or political or charitable contributions are provided.

D. Elected Officials, Appointed Officials, Employees and Volunteers shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or Anything of Value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result.

#### **SECTION 1112. CONFIDENTIAL INFORMATION AND MISUSE OF NON-PUBLIC CONFIDENTIAL INFORMATION.**

No Elected Official, Appointed Official, Employee or Volunteer shall disclose or use Confidential Information maintained by the County without proper authorization, and such information shall not be used to advance the financial or other private interests of said person. No Elected Official, Appointed Official, Employee or Volunteer shall use Confidential Information for personal benefit. This provision should not be construed, nor is it intended, to prevent any employee from exercising that employee's rights under engaging in conduct set forth in NM SA 1978, § 10-16C-3(A) – (C) of the Whistleblower Protection Act.

#### **SECTION 1213. DUTY TO REPORT IMPROPER OFFERS.**

A. Elected Officials, Appointed Officials, Employees and Volunteers who receive an offer of a Gift or Anything of Value that reasonably appears to have been intended to improperly influence County governmental action shall firmly and unequivocally reject the offer and caution the person making it about a possible violation of bribery laws.

B. If the attempt to improperly influence is clear, the A person receiving the offer shall is encouraged to report it to law enforcement authorities, or if a County employee, to that person's supervisor.

#### **SECTION 1314. MISUSE OF COUNTY PROPERTY AND RESOURCES FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.**

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use public property for any private purpose or nongovernmental purpose except as specifically provided by



**Law.** Public property includes public funds, time, facilities, property, equipment, mailing lists, computer data, services or any other government asset or resource. This section does not prohibit the occasional and limited use of County property and resources for personal purposes if:

1. the use does not interfere with the performance of public duties;
2. the cost or value related to the use is so nominal that reimbursement procedures would not be justified; and
3. the use does not create the appearance of improper influence; and
4. the use is otherwise in accordance with applicable law and policy.

B. No Elected Official, Appointed Official, Employee or Volunteer shall seek, accept, use, allocate, grant or award public funds for a purpose other than that authorized by law or make a false statement in connection with a claim, request or application for compensation, reimbursement or travel allowances from public funds.

C. Unless authorized by the County Human Resources Handbook, no County Employee shall be asked or permitted to perform personal services for an Elected Official or Appointed Official. An Elected Official or Appointed Official shall not require a County employee to perform personal services or assist in a private activity. ~~except in unusual and infrequent situations where the person's service is reasonably necessary to permit the Elected Official or Appointed Official to perform official duties.~~

#### **SECTION 1415. MISUSE OF COUNTY PROPERTY OR RESOURCES FOR POLITICAL PURPOSES.**

A. ~~Public resources, including funds, facilities and County personnel and County resources, may not be used to further partisan campaign purposes or to promote or hinder a particular candidate for public office. However, County facilities that permit community activities and use may, if available, be used for partisan campaign purposes upon payment of applicable fees and compliance with all applicable facility policies. Elected Officials, Appointed Officials, Employees and Volunteers may also use these County facilities for partisan campaign purposes, provided they also pay all applicable fees and comply with all applicable facility policies and other applicable policies, rules, and regulations, or to influence the outcome of an election, except for an election on a question proposed by the County such as whether a tax should be imposed or a debt contracted for in which case public resources may be used for the limited purpose of educating voters about the details of the question.~~

B. ~~A Candidate or an~~ An Elected Official shall not use or authorize the use of public funds, time, facilities, equipment, mailing lists, computer data, services or other government assets or resources for the purpose of political fundraising, campaigning, or influencing an election. This section does not prohibit the use of mailing lists, computer data or other public

information lawfully obtained from a government agency and available to the general public for nongovernmental purposes.

C. ~~A Candidate, an~~ An Elected Official, another person on behalf of a Candidate or Elected Official, or a campaign committee of a Candidate or Elected Official, shall not solicit or accept or authorize the solicitation or acceptance of a campaign contribution in a facility or office ordinarily used to conduct County government business. This provision applies to telephone conversations, personal meetings, and solicitations by mail. If such a contribution is offered in a facility or office ordinarily used to conduct County government business, it shall be refused or returned promptly. If an unsolicited contribution is received in the mail in a facility, or a lawfully solicited contribution is misdirected to a facility or office an office ordinarily used to conduct County business, if otherwise lawful, it may be accepted, but it may not be processed in that office, and it shall be delivered promptly to an appropriate location.

D. An Elected Official, a Candidate, or a campaign committee or another person on behalf of an Elected Official or Candidate, shall not distribute or post literature, placards, posters, or other communications intended to influence the election of a candidate in an election in a facility or office ordinarily used to conduct County government business.

#### **SECTION 1516. USE OF CONFIDENTIAL INFORMATION FOR PRIVATE GAIN.**

An Elected Official, Appointed Official, Employee or Volunteer, or a former Elected Official, Appointed Official, Employee or Volunteer who terminated County service within one year, shall not use or disclose Confidential Information to obtain a benefit for the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee or Volunteer, or another person, including a person with whom the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee, or Volunteer is associated or has negotiated prospective employment. This section does not allow the disclosure of information made confidential by law or practice which is not available to the public.

#### **SECTION 1617. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.**

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use, induce, cause, or encourage others to use the authority, title, official letterhead or prestige of the Elected Official's, Appointed Official's, Employee's or Volunteer's office or service for his or her own private gain or personal advantage.

B. An Elected Official, Appointed Official, Employee or Volunteer shall not solicit ~~or~~ solicit or accept Anything of Value under terms and conditions where the compensation is not commensurate with the services performed or where a reasonable person would believe that the authority, title or prestige of office had been exploited. Nothing in this section prohibits the use of official title of an Elected Official, Appointed Official, Employee or Volunteer as a part of a political campaign or political endorsement.



## SECTION 1718. POLITICAL ACTIVITY.

A. No Candidate, ~~Elected Official, Appointed Official, Employee or Volunteer~~ shall compel, coerce or intimidate any Elected Official, Appointed Official, Employee or Volunteer to make, or refrain from making, any political campaign contribution. No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall solicit or obtain by coercion any political contribution from Employees. Nothing in this subsection shall be interpreted to provide that an Elected Official, Appointed Official, Employee or Volunteer is precluded from voluntarily making a contribution or receiving a voluntary contribution.

B. ~~Effective November 3, 2010, no~~ No Candidate, ~~Elected Official, Appointed Official, Employee or Volunteer~~ shall ~~not~~ accept or solicit any campaign contribution in excess of \$ 2,300 per primary, general or special election, or in violation of any federal, state or local statute, law, rule or ordinance. A loan by the candidate to the campaign is not a campaign contribution for purposes of this paragraph.

C. ~~No Employee with contract management authority, property management authority or land use authority shall serve as a paid political consultant, a campaign treasurer, or as a member of the political fundraising committee of any Candidate for federal, State, city or County office, or Elected Official. No Elected Official, Appointed Official, Employee or Volunteer shall directly or indirectly coerce or attempt to coerce another Elected Official. Appointed Official, Employee or Volunteer to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose.~~

D. ~~Neither Elected Officials, Appointed Officials,~~ nor Employees shall ~~not~~ perform any political activity during any compensated time.

E. A Candidate, Elected Official, Appointed Official, Employee or Volunteer shall not require an Employee to perform political activity: (i) as a part of the Employee's duties, (ii) as a condition of County employment; or (iii) during any time off that is compensated by the County.

F. An Employee shall not be required to participate in any political activity.

G. ~~An Employee shall not be awarded additional compensation or employment benefit in any form to engage in as a part of the Employee's official County employment duties or activities that are undertaken by an Employee on a voluntary basis as permitted by law.~~

H. ~~Nothing in this section prohibits an Employee from engaging in political activity on behalf of the County or, consistent with Section 1718(C), engaging in voluntary political activities of the Employee's choosing when not on duty.~~

I. ~~No Candidate shall engage in any conduct that would, to an objective third party, constitute an undue threat to an Employee's continued employment.~~

JG. ~~Pursuant to NMSA 1978, §Section 10-16-4.2 of the Governmental Conduct Act, Employees that~~ County employees employed by a Candidate who receive compensation ~~or~~

reimbursement from a Candidate, or political campaign committee, or political action committee, on behalf of a Candidate in excess of \$250 shall report this outside employment in writing to be required to report such compensation or reimbursement to the County Manager, which shall include disclosure of the nature of the compensation or reimbursement.

#### **SECTION 1819. DISCLOSURE.**

A. Within ten (10) days after the swearing in of any Elected Official, the Elected Official shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11<sup>th</sup> day of January of each year.

B. Within ten (10) days of assuming duties as an Appointed Official, Employee or Volunteer, each shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11<sup>th</sup> day of January of each year.

C. The following information shall be provided:

1. A description of all parcels of real estate within the County in which the person owns any interest including an option to purchase.
2. All interests in any business organization, either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent ownership interest of any other business that is doing business with the County in an amount in excess of \$7,500 annually.
3. The identity of each person from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than \$250 within the taxable year preceding the time of filing, except that such disclosure is not required for any gift from a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, boyfriend, girlfriend, domestic partner, fiancé or fiancée.

D. Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such persons shall file the amended statement in the manner prescribed above within ninety (90) days of the date of any change in circumstances requiring filing thereof.

E. All persons required to file a statement hereunder shall comply with the provisions of this section within thirty (30) days after the requirements hereof are imposed upon such office or position.

#### **SECTION 1920. PROPER USES OF CAMPAIGN FUNDS.**



Campaign funds for County elected office shall be used only to advance the interests of a campaign. Campaign funds may properly be expended for any otherwise lawful purpose intended to influence voters to elect or reelect the Candidate to an elected office, including payment of staff and consultants; rental of space and equipment for a campaign office; purchase of media time and space; printing and distribution of campaign materials; postage; taking polls and interpreting them; advertising and promotional materials; and travel and related expenses for the Candidate and members of the Candidate's staff or immediate family.

## SECTION 2021. PROHIBITED USES OF CAMPAIGN FUNDS.

### A. A Candidate shall not:

1. use funds raised and designated as campaign funds for the personal benefit of the Candidate or for payment of attorneys' fees and other legal expenses arising from civil, criminal, or administrative actions based on conduct not directly related to the campaign or official duties;

2. convert surplus campaign funds or interest earned on campaign funds to personal income;

3. seek or claim a personal tax deduction or other economic benefit for surplus campaign funds disbursed to a charity; or

4. borrow from campaign funds or lend them to another person or group; or

5. use campaign funds in a manner contrary to NMSA 1978, § 1-19-29.1 of the Campaign Reporting Act.

B. A Candidate, or another person on behalf of the Candidate or a campaign committee of the Candidate, shall not knowingly pay more than the fair market value for goods or services purchased for the campaign.

C. Campaign funds shall not be paid to a member of the Candidate's immediate family as an employee or for goods or services shall not be provided to the campaign by a member of the Candidate's immediate family unless the amounts paid do not exceed the fair market value of the goods or services provided.

D. A Candidate or a committee controlled by a Candidate shall not use campaign funds to make a contribution to another Candidate running for office or to a committee supporting an opposing Candidate for office.

E. Campaign funds shall not be used to pay fines or other monetary penalties or costs assessed against a candidate by a court or other body, unless the fine, penalty, or cost is specifically related to the campaign or the County-elective office, is assessed as a result of prescribed actions by a member or employee or a campaign committee or another person acting

on behalf of the Candidate under circumstances where the candidate did not know of or have reason to know of those actions.

F. In addition to the state Campaign Reporting Act set forth at NMSA 1978, §§ 1-19-25 to 1-19-36, candidates shall comply with any current written campaign finance guides issued by the New Mexico Secretary of State's Office regarding the permitted and prohibited use of campaign funds.

## **SECTION 2422. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS.**

A. If a Candidate ceases to be a Candidate or if there remains a balance in the account of the Candidate or a committee controlled by the Candidate after the date of the election, unexpended funds in excess of the amount allowed under this section may only be used as provided in this section or to pay for a victory or thank you party. Within sixty (60) days after the end of the candidacy or the election, unexpended funds shall be:

1. used to retire bona fide loans supported by written documentation, including loans made to a campaign by the candidate or a member of the candidate's immediate family provided that all other outstanding loans are paid first;
2. returned on a pro rata basis to those who have made contributions in excess of one hundred dollars (\$100) in the aggregate a year during either a primary or a general election;
3. donated to the County general fund;
4. donated to one or more organizations that qualify as charitable organizations; provided that the charity is not one that is controlled by the candidate or a member of the candidate's immediate family or in which the candidate or a member of the candidate's immediate family is personally involved as a director, trustee, member of the board, officer or other position of responsibility; or
5. transferred to an ongoing political account controlled by the candidate or another candidate, but only in the amounts and according to the requirements set out in this section.

B. Funds carried over under subsection A of this section may be expended for any political purpose for which campaign funds may otherwise be properly used.

## **SECTION 2223. COERCION.**

A. An Elected Official shall not, directly or by authorizing another to act on his or her behalf, state or imply that the Elected Official's willingness to meet with a person, is dependent on the person making a campaign contribution, donating to a cause favored by the Elected Official or providing a thing of value to the Elected Official.



B. An Elected Official shall not directly, or by authorizing another to act on the Elected Official's behalf:

1. agree or threaten to take or withhold any County governmental action, as a result of a person's decision to provide or not provide a political campaign contribution;
2. state or imply that the Elected Official will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political campaign contribution;
3. agree to or participate in a scheme or plan intended to evade the requirements of any applicable state ethics statutes, this Ordinance, or another financial disclosure provision of state or County law; or
4. knowingly accept a campaign contribution given or offered in violation of any applicable state ethics statutes or this Ordinance.

#### **SECTION 2324. REPORTING AND RESOLVING ETHICS VIOLATIONS OF THIS ORDINANCE.**

A. Any Elected Official, Appointed Official, Employee, or Volunteer, or member of the public person, except a member of the County Ethics Board, may submit a complaint of alleging unethical conduct a violation of this ordinance to the County Ethics Board, by delivering to the County Attorney's Office a signed sworn complaint sworn to under penalty of perjury to be true, that alleges alleging facts which, if true proven, would constitute a violation of this Ordinance. Such complaint shall contain a valid mailing address, email address or telephone number for the person submitting the complaint so that the complainant can be contacted. Complaints filed or submitted more than one (1) year after a violation of this Code is alleged to have occurred shall be beyond the jurisdiction of the Ethics Board and shall be dismissed with prejudice. As to ethics complaints submitted by County Ethics Board members:

1. Any County Ethics Board member submitting an ethics complaint shall submit a letter to the County's Contract Ethics Official ("CCEO"), together with their complaint, that recuses him/her from participating in any discussions, deliberations or voting on the merits of their complaint.

2. Because of the prohibitions in this Ordinance against *ex parte* communications, during the pendency of the complaint, such complaining Ethics Board member shall not formally or informally discuss the merits or substance of his/her ethics complaint with any other Ethics Board members unless: (a) the CCEO has dismissed the complaint because it failed to state a claim and the Ethics Board member has not appealed the dismissal; or, (b) the County Ethics Board has issued a final decision on the complaint after a hearing.

3. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit in such cases.



B. The County Attorney's office will forward all such signed, sworn complaints, in whatever method received, to the County's contract ethics official CCEO, who will determine whether the complaint states a claim under this Ordinance.

C. The County Attorney's office will not forward un-sworn complaints to the CCEO, but will instead process them in accordance with the County's records retention policy after determining whether law enforcement, the County Manager or the Human Resources Director should be notified. However, all complaints addressed to the County Ethics Board or a member of the Board, whether sworn or not and whether anonymous or not, shall be forwarded to the County Ethics Board as well as to the CCEO. The form of complaint shall also be noted whether it is an email, letter, phone message, etc.

D. For any complaints forwarded or submitted directly to either the CCEO or to the Ethics Board, the procedures for processing complaints in Subsections A to E of this Section 24 shall be followed. The Ethics Board shall take no action nor discuss at an open meeting a complaint it receives directly or is forwarded to it by reason of the complainant's having addressed the complaint to them, but shall turn such complaints over to the CCEO for processing and investigation if it is sworn and it states a claim. The CCEO shall neither discuss nor share with members of the Ethics Board any sworn complaints except as provided in Subsection H.

E. The County's contract ethics official CCEO shall refer all employment matters any sworn complaint involving a County employee alleged to have committed an ethical infraction prohibited by this Ordinance to the County's Human Resources Department for investigation and appropriate action pursuant to the Human Resources Handbook or collective bargaining agreement, as applicable. A sworn complaint making ethics allegations about both a County employee and an County Elected Official, Appointed Official or Volunteer shall, if the CCEO determines the complaint to state a claim under this Ordinance, be investigated by the CCEO as to the allegations against the County Elected Official, Appointed Official or Volunteer only. The remainder of such complaint involving an County employee shall be investigated by the Human Resources Department pursuant to the Human Resources Handbook or handled according to a collective bargaining agreement as applicable. The Human Resources Department may also rely on acts or practices prohibited by this Code of Conduct because County employees must comply with the prohibitive provisions of Consistent with Section 6 of the Human Resources Handbook, County Employees are bound by and must comply with this Ordinance.

F. If the sworn complaint fails to state a claim under this Ordinance, the complaining party shall be so informed in writing by the CCEO who shall dismiss the complaint and the complaint shall be dismissed, subject to a right of appeal to the County Ethics Board within seven (7) calendar days solely on the issue of whether the complaint stated a claim under this Ordinance. The Ethics Board may reverse a dismissal of a complaint if it determines that the ethics official's CCEO's dismissal was arbitrary or capricious, such as the reasons given for dismissal did not properly interpret the Code of Ethics, or the reasons given misapplied the prohibitive provisions of the Code to the facts alleged in the complaint. The Ethics Board may also reverse a dismissal of a complaint based upon newly discovered evidence not previously



submitted for consideration, provided that the newly discovered evidence is clear and convincing and its truthfulness is sworn to in writing by the complainant or otherwise deemed reliable by the Ethics Board. Newly discovered evidence whose truthfulness is not sworn to in writing and which does not support an allegation of violation of this Ordinance, shall not form the basis of reversing a dismissal of the complaint. If the Ethics Board reverses a dismissal of a complaint, they shall remand the matter back to the CCEO for further investigation and the setting of the matter for hearing, with notice to the complainant and person(s) named in the sworn complaint.

G. If the complaint states a claim under this Ordinance, the County's ethics official CCEO shall investigate the allegations, prepare a report and recommendations to either dismiss the complaint or proceed to a hearing, and shall present the same to the County Ethics Board for consideration at its next available meeting after completion of the investigation for further proceedings.

H. The County Ethics Board shall conduct a public hearing on the merits prior to taking any of the actions described in Section 2-425(H) of this Ordinance. At its next meeting after completion of the investigation, the County Ethics Board shall review the report and recommendation to either dismiss or proceed to a hearing, and either:

1. determine where and when a hearing should take place for which it shall provide advance written notice to the Respondent person(s) named in the sworn complaint, in which case the Respondent person(s) named in the sworn complaint:

a) may be represented by counsel at their the Respondent's own expense, who is licensed to practice law in this sState;

b) shall within 10 days of making a written request have a right to a list of witnesses of those intended to be called at the hearing by the CCEO, and must provide the CCEO with a list of witnesses he/she intends to call during the hearing within 10 days of receiving a written request;

c) shall within 10 days of making a written request have a right to receive copies of all documents not privileged that were obtained by the CCEO during his/her investigation and intends to use during the hearing, and must provide the CCEO with copies of all documents he/she intends to use during the hearing within 10 days of receiving a written request;

d) shall have a right to the issuance of an administrative subpoena a notice by the County Ethics Board compelling the attendance of witnesses at hearings and the production of documents.

2. ~~dismiss recommend dismissal of~~ dismiss the complaint without further action other than to notify the person(s) named in the sworn complaint and the complainant in writing of the dismissal; or

3. ~~dismiss recommend dismissal of~~ dismiss all or part of the complaint because, while it did state a claim under the Code of Conduct, the conduct complained of is too insignificant or seemingly unintentional to warrant a formal hearing.



I. A determination by the Ethics Board to dismiss a complaint shall be final and not subject to appeal, re-determination, reconsideration, further review, or resubmittal by the complainant or any other complainant on the same issue involving the same person(s) suspected of charged with the ethics infraction. Provided that any Respondent whose complaint is recommended for dismissal shall be given a notice and an opportunity to be present at the Ethics Board to receive an explanation from the Board why the complaint is being dismissed. At this meeting, the Respondent may provide any additional information to assist the Ethics Board in its decision.

J. A Respondent whose complaint is recommended for dismissal shall be given a notice and an opportunity to be present at the Ethics Board to receive an explanation from the Board why the complaint is being dismissed. At this meeting, the Respondent may provide any additional information to assist the Ethics Board in its decision.

JK. In order to provide a full and fair hearing under this eOrdinance, a Section 2425(H) public hearing on the merits shall proceed as follows:

1. all persons present to give testimony must be sworn before testifying and shall leave the hearing room until they testify;

2. the CCEO shall proceed first by calling witnesses and submitting documents into evidence;

3. the Elected Official, Appointed Official or Volunteer (hereafter "Respondents") suspected of the ethics infraction Respondent shall have the right to cross-examine any witness called by the CCEO;

4. any Ethics Board member, after seeking acknowledgement to proceed from the Chair, may ask any question a witness about questions related to the that witness's testimony or related to the documentary evidence that was introduced;

5. after the CCEO has rested, the Respondent(s) may proceed with a defense of the allegations set forth in the sworn complaint by presenting witnesses and documentary evidence, subject to cross-examination by the CCEO and questioning by members of the Ethics Board;

6. while the technical rules of evidence shall not apply, the eChair may rule on the admissibility of exclude irrelevant, immaterial, unreliable, unduly repetitious, or argumentatively presented evidence and may require substantiation of statements or records tendered where their accuracy or truth is in reasonable doubt, so long as any final decision of the Ethics Board is supported by a legal residuum of competent evidence;

7. hearings shall be recorded and at least 7 days prior to a hearing the CCEO and respondent shall exchange witness lists and copies of documents they intend to use as evidence during the hearing;



8. after testimony is completed and both sides have rested, the Ethics Board may permit closing statements from both sides;

9. the Ethics Board may deliberate but not vote on their its disposition of the case in executive session as an administrative adjudicatory deliberation after which they the Board must return to an open session to vote on the disposition of the ethics case; and

10. after deliberating on the merits of the case before them, the Ethics Board shall issue a written decision consistent with their its vote and containing findings of fact and conclusions of law, which may: impose one of the consequences permitted by Section 2425(H) upon the Respondent if they find a violation of this ordinance has occurred, decline to impose one of the consequences even if they find a violation is found, impose a consequence less severe than those permitted by Section 2425(H), or find no violation of this ordinance has occurred in which case the complaint shall be dismissed. The burden of proof for finding a violation of the Code of Ethics shall be by a preponderance of the evidence. A copy of the Ethics Board's written decision shall be delivered or mailed to the Respondent, the CCEO and the Office of the County Clerk.

K.L. Prior to the hearing on the merits, either the Respondent or the CCEO may file motions related to continuance of the date set for hearing or for issues related to discovery. The Ethics Board may consider any such motions at a special meeting. The Ethics Board shall not be required to consider dispositive motions filed by Respondent, such as motions to dismiss or for summary judgment.

## SECTION 2425. COUNTY ETHICS BOARD

A. There shall be created a Santa Fe County Ethics Board that shall consist of ~~three (3)~~ members who shall be appointed by the Board of Commissioners. At least one citizen member shall be appointed; the citizen member shall not be affiliated with County government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the County), appointment, election, or serving as a ~~Volunteer~~. The members of the County Ethics Board may not hold elected public office or office with any political party within the County. Each member shall serve a two year term, subject to reappointment thereafter.

B. The County Ethics Board shall elect its own chair and vice-chair. ~~If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit in such cases, and an alternate member shall be seated when the need arises.~~

C. The jurisdiction of the Ethics Board is limited to acting within the scope of matters covered by this Ordinance ~~as they relate to Elected Officials, Appointed Officials and Volunteers of Santa Fe County government~~, but may periodically review and recommend amendments to this Ordinance. ~~In addition, the Ethics Board shall have authority to make recommendations to the Board of County Commissioners regarding ethics training.~~

D. Upon the sworn complaint of any person alleging facts which, if true, would constitute a violation of this Ordinance, and pursuant to the procedures set forth in Section 2324 which require an investigation, unless it recommends dismissal of the case, the County Ethics Board shall conduct a public hearing on the allegations of the complaint.

E. The County Ethics Board shall adopt rules of procedure for conducting hearings pursuant to this Ordinance. The rules of procedure shall be consistent with the rules for conducting administrative hearings in Santa Fe County. [Reserved]

F. The County Ethics Board shall have the power to issue administrative subpoenas compelling to compel the attendance of county employees as witnesses at hearings and the production of documents, and the authority to seek enforcement of those subpoenas by the First Judicial District Court. A notice to attend will be delivered through the employee's chain of command.

G. If the County Ethics Board finds that an Elected Official, Appointed Official, or Volunteer violated any provision of this Ordinance, the County Ethics Board, upon a majority vote of the entire membership, shall forward its written findings of fact and conclusions of law to the County Manager or, as appropriate, the District Attorney, for appropriate action.

H. If the County Ethics Board finds, upon a majority vote, that a candidate, Elected Official, Appointed Official, or Volunteer has violated this Ordinance, the County Ethics Board may impose any of the following penalties after the entry of written findings of fact and conclusions of law:

1. a civil fine not to exceed \$300; or
2. a written finding of censure; or
3. a referral to the District Attorney or appropriate governmental office for commencement of criminal or other proceedings.

I. No action may be taken by the County Ethics Board on any complaint that is filed later than one year after a violation of this Ordinance is alleged to have occurred or that is filed more than six months from the date of the discovery of the alleged violation, upon due diligence by the complaining party, of the facts constituting a violation, whichever event occurs later. [Reserved]

J. The County Ethics Board may also provide advisory opinions regarding the applicability or interpretation of the provisions of this Ordinance upon the request of any Elected Official, Appointed Official, Volunteer or County Employee. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit on the Board in such cases.

K. The Ethics Board shall meet as often as necessary to carry out its work, but not less than quarterly. On a quarterly biannual basis, the Board of Commissioners shall be provided



with a report prepared and approved by the County Ethics Board that updates its activities and ~~states~~ stating the number of complaints that were submitted alleging a violation of this Ordinance.

L. A member of the Ethics Board may be removed by the Board of County Commissioners for just cause, which shall mean a reason that is related to an Ethics Board Member's administration of this Code Ordinance or any other reason that implicates an Ethics Board member's continued fitness to serve on the Ethics Board.

M. A vacancy on the Ethics Board shall be filled in the same manner as the initial appointment and the appointment shall continue for the remainder of the unexpired term of the departing Board member.

N. Members of the Ethics Board shall not receive any salary or compensation for services.

## SECTION 2526. RIGHT OF APPEAL .

Any decision of the County Ethics Board finding a violation of this Ordinance, with respect to an Elected Official, Appointed Official, Employee or Volunteer, may be appealed to the First Judicial District Court pursuant to NMSA 1978, Section 39-3-1.1 (1998, as amended); provided, however, that any decision regarding an Employee shall be covered by the terms of the Human Resources Handbook or collective bargaining agreement, as applicable.

## SECTION 2627. NON-RETALIATION.

A. The Board of Commissioners does not tolerate retaliation, workforce discrimination, intimidation or harassment of any kind against any person who has reported a violation of this Ordinance in good faith. This non-retaliation provision applies whether the complaint is ultimately determined to be well-founded or unfounded. All Elected Officials, Appointed Officials, Employees and Volunteers are specifically prohibited from taking any adverse employment action, engaging in workplace discrimination or harassment of any kind, or other retaliatory action against anyone for reporting a good faith claim in good faith of a violation. Anyone who believes that they have been subject to workplace discrimination, intimidation or harassment of any kind or who has been retaliated against in violation of this Ordinance should submit a sworn complaint to the Ethics Board or the Human Resources Department setting forth the claim. Any employee who engages in workplace discrimination, harassment or intimidation against anyone in retaliation for filing an ethics complaint pursuant to this Ordinance, for testifying at a hearing or for cooperating in an investigation described herein of an ethics violation, may be disciplined up to and including termination.

B. This non-retaliation provision is not applicable to claims that were not submitted in good faith and for which the County Ethics Board finds that the complaint was frivolous. An employee who knowingly files a false an ethics complaint containing false statements or allegations may be disciplined, up to and including termination, and may not rely on a claim of retaliation as a defense if disciplined.

## SECTION 2728. EX PARTE COMMUNICATIONS.

### A. EX PARTE COMMUNICATIONS PROHIBITED.

1. An Elected Official or Appointed Official designated to hear preside over an administrative adjudicatory matter pursuant to the County's Land Development Code or any other County ordinance, shall not initiate, permit or consider a communication directly or indirectly with a party or the party's representative outside the hearing and outside of the presence of all other interested parties concerning the pending matter.

2. An administrative adjudicatory matter is one that involves the use of a discretionary standard, as specified in the Land Development Code or other County ordinance, to an application for discretionary approval.

3. Notwithstanding the provisions of Subsection 1, above, *ex parte* communications for procedural or administrative purposes, during emergencies, or that do not deal with the merits of the application, shall not be prohibited if the Elected Official or Appointed Official reasonably believes that no party will gain an advantage as a result of the *ex parte* communication and promptly notifies all other parties of the substance of the *ex parte* communication.

4. An Elected Official or Appointed Official who receives or who makes or knowingly causes to be made a communication prohibited by this Ordinance shall disclose the communication to all parties and give other parties an opportunity to respond.

### B. RECUSAL.

1. An Elected Official or Appointed Official shall recuse himself or herself in any pending administrative adjudicatory matter in which the official has a financial interest or is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the official can make a fair and impartial decision, including:

a. when the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship, a direct Financial Interest, or a conflict of interest, including a professional, personal, familial or other intimate relationship, that renders the official unable to exercise his or her functions impartially;

b. when the official or anyone in the official's immediate family has a pecuniary or Financial Interest in the outcome of the proceeding;

c. when, during previous employment, the official served as an attorney, adviser, consultant or witness in the matter in controversy; or



d. when the official announced how he or she would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

2. The Elected Official or Appointed Official recusing himself or herself shall disclose the specific reason for a recusal contemporaneous with the recusal.

23. An Elected Official or Appointed Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an Elected Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the Elected Official made representations during a political campaign on viewpoints on public policy that an application may raise.

34. If, prior to the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party member of County staff or fellow Official shall promptly notify the Elected Official or Appointed Official of the grounds for recusal. If Elected Official or Appointed Official declines to recuse himself or herself upon request of a the member of County staff or fellow Official party, the eOfficial shall provide a full explanation in support of his refusal to recuse himself or herself.

45. If, during the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party member of County staff or fellow Official shall promptly notify the Chair of the grounds for recusal. If the Elected Official or Appointed Official declines to recuse himself or herself, the Chair may entertain a motion to excuse the eOfficial from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter.

6. An Elected Official or Appointed Official who fails to recuse him/her-self after being notified of the grounds for recusal as set forth in Section 28 B by reason of a financial interest, may be considered to have committed a violation of this Code of Conduct.

## **SECTION 2829. RESTRICTIONS ON THE BOARD OF COUNTY COMMISSIONERS; ADMINISTRATION OF THE PERSONNEL SYSTEM, MANAGEMENT.**

A. The Board of County Commissioners shall not perform, collectively or individually, an executive function in the administration of the personnel system, except for employment and removal of the eCounty mManager, making collective recommendations to the County Manager on general personnel policy, approving or disapproving collective bargaining agreements and county personnel policies, or approving any proposed reorganization which creates or abolishes a department.

B. The Board of County Commissioners shall not perform, collectively or individually, general executive management functions in the administration of county government; these functions shall be delegated to the County Manager. This paragraph shall not apply to matters of policy, the responsibility and authority of the Board of County Commissioners to approve budgets and expenditures, contracts outside the signature authority of the County Manager, and

matters that, in the discretion of the Board of County Commissioners, while they may involve management issues, are of County-wide importance.

## SECTION 2930. PENALTIES.

### A. County Penalties

A person who violates this Ordinance is guilty of a misdemeanor and is subject to one or more of the following:

A1. a fine of up to three hundred dollars (\$300.00) for each separate violation of this Ordinance;

B2. a public reprimand;

C3. a recommendation from the County Ethics Board to the District Attorney that the violation be pursued in criminal or other proceedings, or that it be pursued if the violation is also a crime violation of the Criminal Code or constitutes a common law crime; and and

D4. proceedings and penalties pursuant to the Santa Fe County Personnel Handbook, where appropriate; and

4. proceedings and penalties discipline, up to and including termination, pursuant to the Santa Fe County Personnel Handbook, or any applicable collective bargaining agreement, if the violator is a County employee; and

545. a recommendation to the District Attorney that proceedings to remove the person from elected office be commenced pursuant to NMSA 1978, § 10-4-1 et seq. (1909, as amended);

### B. Other Penalties

The Governmental Conduct Act, NMSA 1978, Chapter 10, Article 16, was made applicable to officials and employees of local government on July 1, 2011. Knowing and willful violation of that Act is a misdemeanor and any person found guilty can be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both. Any such prosecutions would be handled by a district attorney or the Attorney General. [Section 10-16-1 to 10-16-18, NMSA 1978]. These other penalties could apply where conduct prohibited by the Santa Fe County Code of Conduct also constitutes conduct prohibited by the Governmental Conduct Act.

## SECTION 3031. REPEAL.

Santa Fe County Ordinances No. 2004-3 was repealed and Ordinance No. 2011-9 are is hereby repealed.

## SECTION 3132. EFFECTIVE DATE.

This Ordinance shall become effective as of the date provided by law.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: \_\_\_\_\_  
DANIEL W. MAYFIELD, Chair

**ATTEST:**

\_\_\_\_\_  
GERALDINE SALAZAR, County Clerk

**APPROVED AS TO FORM:**

~~STEPHEN C. ROSS~~ GREGORY S. SHAFFER, County Attorney







## **IX. Concluding Business**

**A. Announcements**

**B. Adjournment (Action Item)**







